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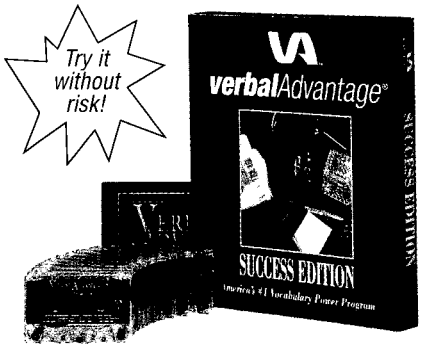

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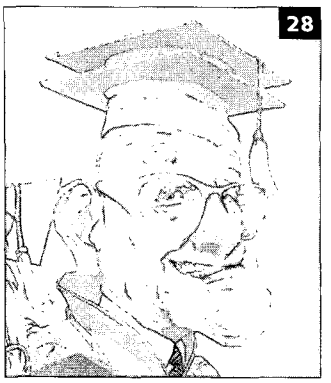

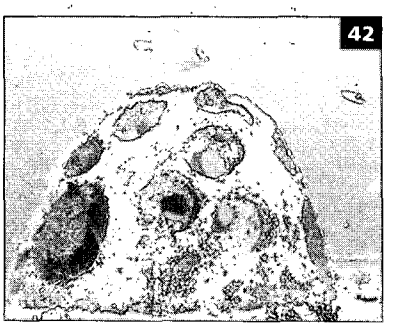

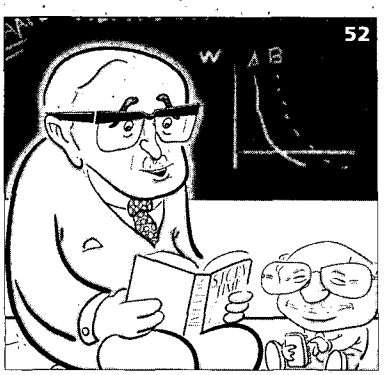

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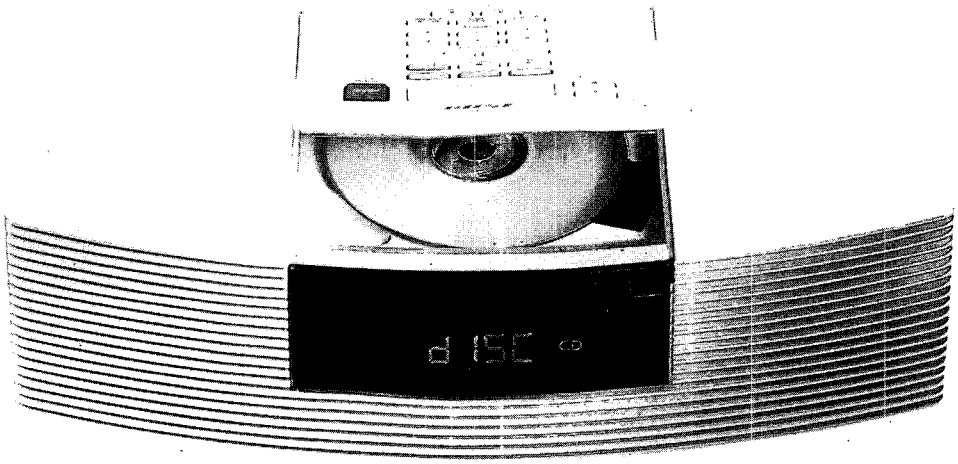

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T.S. Eliot had it all wrong, at least for most of the 53 million kids attending school in grades K–12: September is the cruelest month, mixing anxiety and boredom, stirring precious little in the way of excitement and learning.

To be sure, the overwhelming majority of American schools aren't hell holes, even if they are increasingly looking like medium-security prisons, with metal detectors adorning entrances, police officers patrolling the hallways, and rehabilitation sessions such as D.A.R.E. integrated into the academic curriculum. But our schools are not particularly fertile grounds for learning or education, especially given the vast resources pumped into them. (According to the Census Bureau, average per-pupil spending for grades K–12 topped $7,000 in 1999.)

Why schools are so lame—and how people are bypassing them—is the subject of Daniel H. Pink's cover story. (See "School's Out," page 28.) As Pink, author of the provocative recent book *Free Agent Nation,* points out, over the past few decades, there has been nothing short of a revolution in the way most businesses and organizations deliver goods and services. Banks, once famous for keeping limited hours, are now effectively open 24 hours a day, seven days a week; contemporary supermarkets offer a range of fresh and prepared foods that was unimaginable 30 years ago; even hospitals and doctors, renowned for neglecting patients' needs and demands, have developed customer service skills.

That seismic shift hasn't yet hit schools, especially public ones. "Most schools I've visited in the 21st century look and feel exactly like the public schools I attended in the 1970s," writes Pink. "The hallways even *smell* the same." In a world of mass customization and individualized attention, argues Pink, schools are still locked into an assembly-line model that's more attuned to an industrial economy than to a knowledge economy.

Regular readers of REASON know why most schools remain static and reactionary institutions: They are insulated from anything like real competition for students and resources; the lack of competition breeds a lack of innovation. Pink's focus is less on the failings of traditional schools and more on how people are learning in spite of them. After all, innovators don't simply sit on their hands waiting for systemic reform—they enact it immediately and dare others to follow.

Pink sketches a new age of individualized, lifelong learning that is as attractive as it is plausible. Indeed, whether one focuses on the growth in home schooling, adult "unschooling," or a whole range of other alternative educational paths, this is one trend that is thankfully already well underway. Who knows? In a few more years, September may never be the same again.

—Nick Gillespie

Santa Clara University

The Civil Society Institute

at Santa Clara University

The Civil Society Institute leads students at Santa Clara University in the study of liberty, responsibility, and limited government. College applicants interested in libertarian/conservative ideas should consider Santa Clara University.

Left to right: Daniel Klein, David Friedman, Laurence Iannaccone, Henry Demmert, and Fred Foldvary.

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To learn more about the Civil Society Institute and Santa Clara University:

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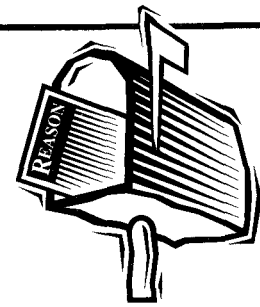
Contributors

"For 12 years, I walked the same route to the same building, every day. And when I arrived, I looked at the clock, and said, 'All right, only seven hours more until I can leave,'" recalls **Daniel H. Pink**, the author of this month's cover story (see "School's Out" on page 28) and the recent *Free Agent Nation: How America's New Independent Workers Are Transforming the Way We Live.* He isn't describing the worst job he's ever had; he's remembering what it was like attending Ohio public schools in the 1970s. According to Pink, a contributing editor to *Fast Company* and a former speechwriter for Al Gore, one-size-fits-all compulsory schooling does more than just bore kids to distraction. It teaches them that obedience is the highest value—the very last trait that workers need in an economy that increasingly demands and rewards independent and innovative thinking. In "School's Out," Pink makes the case that old-style schools, fashioned on a factory model, are finally giving way to something else.

As the author of works such as *Knowledge and Persuasion in Economics* and *If You're So Smart: The Narrative of Economic Expertise,* longtime REASON Contributing Editor **Deirdre McCloskey** is an expert on "sweet talk"—the language of persuasion that she believes to be a driving force of the economy. In this issue, she reviews a new biography of Nobel-winning economist and social thinker F.A. Hayek (1899–1992), the man who has perhaps most influenced her own work. (See "Persuade and Be Free" on page 52.) Ironically, McCloskey remembers being less than impressed with Hayek the first time she encountered him in person. "He was a dull speaker," she recalls. "I viewed him then the way most American economists trained in the mainstream techniques did, as a relic of an earlier method in economics: before math. I have since repented." Indeed, her theory on "sweet talk" springs from what she considers Hayek's most important insight: The economy is not just about "housing and machinery; it's also about the content of people's minds."

Few histories are bloodier or more tragic than the one involving Native Americans and those who came after. One of the reasons, notes **Amy H. Sturgis** in this issue, is the persistence of distorting and dehumanizing stereotypes. (See "Brutal History" on page 58.) Sturgis knows the territory inside and out: She's Native American herself and fluent in Cherokee; in 1998, she completed her doctoral dissertation on Cherokee intellectual history. She's also written about ongoing U.S. government mischief and corruption involving the Cherokee Nation of Oklahoma. (See "Tale of Tears," March 1999.) In reviewing *The Wild Frontier,* a new history about the brutal violence between Native Americans and white settlers, Sturgis finds that disturbingly little has changed.



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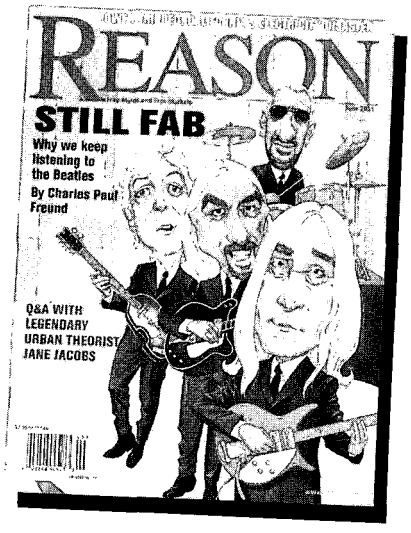
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STILL FAB
Why we keep listening to the Beatles
By Charles Paul Freund
Q&A WITH LEGENDARY URBAN THEORIST JANE JACOBS

We Still Love You Beatles

Charles Paul Freund's "Still Fab" (June) came to the triumphant conclusion that the roots of the Beatles were based in "the music and imagery of the Victorian and Edwardian pleasure palaces of the industrial working class." Even granting the truth of this dubious conclusion, I fail to see how it sheds any light on why today's American teenagers are listening to the Beatles' music.

Meanwhile, in his sidebar, "The Long and Whining Road," a grumpy Nick Gillespie seems to claim that, because he personally does not care for the Beatles, their continued popularity must be a plot of the boomer-controlled mass media.

Instead of crediting the British industrial working class or blaming the boomers, perhaps REASON should have attempted a market-based analysis. Today's teenagers have an unparalleled and overwhelming choice of music, with pop music recordings reaching back more than 40 years easily available through the Internet. If they choose the Beatles, it must be because of the fundamentally high quality of their music.

The group demonstrated unparalleled creativity and emotional impact, using a medium nearly as constricting as a sonnet—the 3-minute pop song. Like Shakespeare's poetry, their music will live for hundreds of years, Nick Gillespie's preferences notwithstanding.

Peter Bell
Santa Monica, CA

Charles Paul Freund's emphasis on the British music hall tradition to explain the Beatles' enduring success misses the mark as widely as the explanations he challenges. His argument requires a severe devaluation of John's contribution. The "White Album" may be the most uneven of the group's prolific oeuvre, but it is a naked key to their achievement. Alternating Paul's sentimentality with John's dyspepsia from cut to cut, and spicing the mix with George's quirky ear and glimpses of John's alter ego, it illustrates the group's creative tension so starkly that one wonders how they ever played together.

The one sure thing that explains the Beatles' lasting success is their astonishing creativity. They didn't cover Anita Bryant's "Till There Was You," they played Rodgers & Hart's classic and made it sound like an original. By 1965, every song was a fresh canvas. The Beatles' sound was unique because there was no "Beatles' sound," only a rich trove of individual works, each an experiment handled on its own specific terms.

Critics consider the courage to approach each work with a fresh, exploring spirit to be the rarest of artistic qualities, one that sets true greatness apart from the merely superb (often technically more adept) work of contemporaries. Even more remarkable, the Beatles were able to achieve artistic status comparable to Picasso and Miles Davis within a truly popular format. Mr. Freund glanced the heart of it when writing about the music itself, but kept whittling until a mere sliver of his subject remained.

James Brooks
Worcester, VT

The jealous anger that your generation doesn't have anything that could remotely compare to the Beatles—the most artistic, creative musical force of the 20th, and, dare I say, 21st century—comes across loud and clear. Reading that ignorant drivel was the best argument I've heard yet for any "generational exceptionalism." Thanks for making that abundantly clear!

R.J. Wagner
Cincinnati, OH

Imagine my horror when I opened the mail and, for a split second, thought we had mistakenly received a copy of long-since-canceled *Rolling Stone.* Truly a near-acid-flashback experience!

I wish to take issue, on behalf of my husband and I, ages 56 and 45, with being lumped in with all of the boomers who can't seem to let go of the past. Yes, both of us went through Beatlemania, but thankfully have had the good sense to move on. We would have missed out on so much had we remained mired in the

REASON NEWS

In September, David Nott became president of Reason Foundation, the nonprofit publisher of REASON. Immediately prior to his new position, Nott served as president of the Institute for Humane Studies and the Mercatus Center at George Mason University.

Nott succeeds Lynn Scarlett, who in July was confirmed by the U.S. Senate as Asst. Secretary for Policy, Management, and Budget of the Department of the Interior. Scarlett, best known for environmental policy studies, had a long association with REASON and Reason Foundation, originally joining the magazine in 1980 and later becoming head of Reason Public Policy Institute. A collection of articles she contributed to REASON over the years is online at www.reason.com/scarlett.html.

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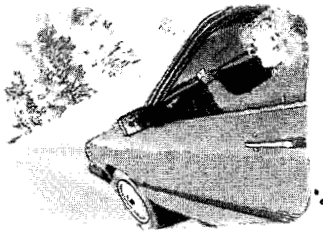

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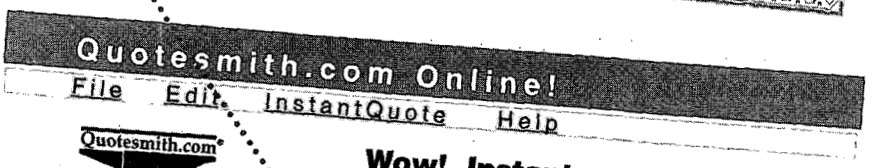

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'60s swamp of pseudo-music. Our evolution has taken us through classical, swing, blues, rock, fusion, and alternative.

See you all in 45 years when we'll be 101 and 90 years old, respectively. We'll be the couple roaring down the highway in the turbo-charged, 8-cylinder, fossil-fuel-guzzling dinosaur, white hair flying, Kim Wilson's version of "Feelin' Good" blaring from the ancient car stereo. Meanwhile, the rest of the boomers—and the Gens X, Y, and Z—will still be puttering along, glassy-eyed and zoned out, listening to the treacly plinking of Beatles tunes.

Sandy Hebenstreit
Norcross, GA

Power Tripped

I commend Michael W. Lynch and Adrian Moore for their excellent article regarding the California energy crisis ("Power Tripped," June).

I am in the electric utility industry in Arizona and have been watching the situation develop with both amusement and frustration. This is a homegrown problem with an obvious solution, but the apparent cure for this foray into socialism will be...more socialism. California's electric system will soon become one huge public power entity if the clueless Gov. Gray Davis gets his way. All of the adults must have left the Golden State years ago.

My sense of frustration stems from the failure of the major utilities to raise a huge red flag early when the problem became obvious. Why didn't PG&E and the rest of the companies just throw in the towel and say, "We can't operate like this!" when they saw the river of money start to flow out, knowing that the trickle of customer payments coming in could in no way cover their obligations. I'm sure that these large aggregators could have exercised some power over the suppliers had they acted sooner.

What were the suppliers' options? Most of the other states in the West have not deregulated yet and are far less dependent on spot prices, so dumping that capacity elsewhere would be difficult.

When businesses have gone bankrupt and industry leaves the state for more friendly environments, California will finally achieve the demand reduction it seeks to cope with the supply problem it alone created.

Bill Twardy
Phoenix, AZ

"Stranded costs" is not merely a euphemism for goofy expenses caused by bureaucrats, as this article implies. It refers primarily to expenses from constructing nuclear power plants, which, not surprisingly, the utilities were unable to sell.

The floating barge plan was shot down because no one wanted a pollution-belching diesel plant in the middle of the bay. The Coyote Valley power plant plan likewise has issues. Cisco opposes it, because it will be built next to the huge new campus the company wants to build there—poetic justice, many feel. Naturally, environmentalists are opposed to the plan as well. But your authors will be pleased to know that several weeks ago, the mayor of San Jose gave in to pressure and approved it. Now citizens are attacking the huge subsidies the city has agreed to pay.

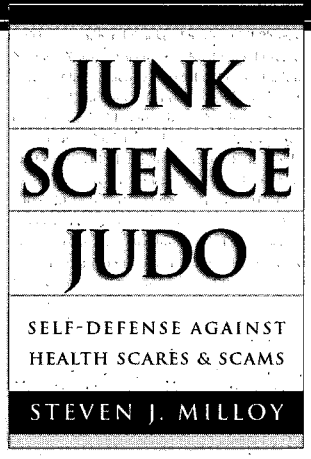
Also absent from the article was mention of the fact that there is no crisis in Los Angeles, due to its city-owned power system.

Steven Barnes
Palo Alto, CA

Editor's Note: Assistant Editor Sara Rimensnyder takes a more critical look at the Los Angeles Department of Water and Power in "Power Shocked" on pg. 16.

Cancer-Causing Cell Phones? Supergerm-Creating Soaps? Killer Power Line Radiation?

Debunk junk science and fear no more.



Scared by reports of risks to your health from food, consumer products, and the environment? Fear no more. This book, by science writer Steven J. Milloy, debunks numerous health scares and scams, from silicon breast implants to global warming. Learn how to separate junk science from the real thing and protect yourself from those who profit by lying about your health.

"I wish *Junk Science Judo* had been available when I was doing daily consumer reports. It hits the nail on the head about the media's role in health scares and scams. I wish all consumers and reporters would read it."

—John Stossel, ABC News

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Citings

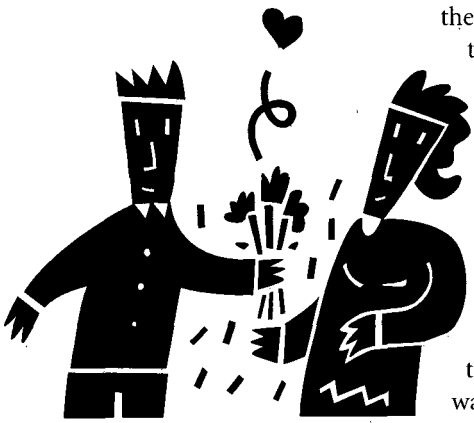
Sex Ed 101

By Michael W. Lynch

"As far as I know, I'm the first man in America to be convicted of prostitution for having sex with my own wife," says 46-year-old Tom Wahl. "You should get the video we put out on this, by the way."

The video is not a courtroom drama. It's a sex demonstration with his wife, Suzi, 49, who was also convicted of prostitution.

The Wahls have been producing and distributing amateur adult videos through their mail-order company, Video Alternatives, for 14 years. Last year they decided to expand into the education business. "We put together a seminar," explains Tom. "It is a presentation of techniques couples can use to enhance and prolong their marriages."



For a fee, the hands-on educators treat locals to a live demonstration. Out-of-towners can purchase the video.

The Wahls had their first seminar-related skirmish with the law last year. A group of undercover St. Louis and St. Charles County cops posed as paying students. They stopped the show and told the Wahls they were under arrest.

Two weeks later, the teachers again found themselves in trouble, when a couple turned out to be a pair of St. Louis cops. "As soon as we got to the instruction and demo on oral techniques, we were again arrested," the Wahls explain on their Web site, www.videoalt.com.

While the first case was slated for a bench trial on August 9, a St. Louis jury had already convicted the Wahls of prostitution on the second set of charges. They were each fined $300. "The prostitution statute is a little vague," explains Wahl. "But it can be read to say that anytime there is sex and money changed hands, it's a form of prostitution."

The Wahls are appealing their convictions, claiming that their seminars are constitutionally protected speech. Still, Tom Wahl doesn't seem too upset. "We knew the politicians and police would take an interest in it," he says. "We didn't invite them to the party, but now that they are here and they want to act as our partners in publicity, we are glad to have them."

Shrine of Doom

By Rhys Southan

The construction of the William Jefferson Clinton Presidential Center in Little Rock, Arkansas, has hit a human stumbling block: Eugene Pfeifer. He owns three acres of land in the area where Clinton and the city want to build a shrine to the Man From Hope. After Pfeifer turned down their offer to buy his property in 1999, they tried to seize the land by eminent domain. Now he's fighting them in court.

Unlike most eminent domain protestors, Pfeifer doesn't oppose the sale because he's attached to the land, which holds nothing but an empty warehouse. He simply believes that "absent an overriding public need, a person ought to decide whether their property gets taken or not."

Despite his statement of principle, a definite anti-Clinton bias creeps into his rhetoric. He thinks taxpayers shouldn't have to pay the appraised price of $400,000. "Barbra Streisand raised $10 million for the Bill Clinton library in one night, singing in someone's home," Pfeifer points out. "Why should my city give land to the greatest private fundraising organization in history?"

In May, the Arkansas Supreme Court agreed to hear Pfeifer's case. "If I win," he says, "I would allow my land to go for the appraised price in two instances. One: If the city would go back and have

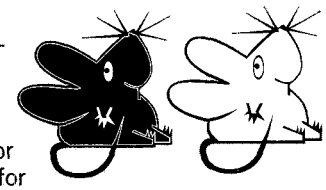
Balance Sheet

By Jeff A. Taylor

ASSETS

△ **Zone Defense.** A U.S. district judge decides the First Amendment trumps zoning rules in a dispute over converting a former convent into a synagogue and Hebrew school. Abington Township, a Philly suburb, had "no rational reason to allow a train station, bus shelter, municipal administration building, police barrack, library, snack bar, pro shop, club house, country club, but not [a temple]."

△ **Mighty Mice.** Gene researchers at the University of Virginia make a mouse that changes color when it eats certain foods. The ability to switch a gene on or off with ease should be a boon for scientists studying how genes and diseases interact.



△ **Clear Sale.** Germany boots a 1933 law that effectively banned store discounts. Passed eight months after Adolf Hitler came to power, the law was supposed to protect small shopkeepers against large, often Jewish-owned, department stores. Recently, Wal-Mart had run afoul of the law.

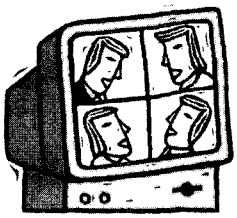
△ **Ms. Link.** Women now make up more than half of North America's Internet users, Nielsen/NetRatings finds, when just a few years ago they were "under-represented" online. The survey also finds that women are much more efficient surfers—they spend less time online because they find what they are looking for quicker.

△ **Base Meddle.** Pentagon brass endorses a Bush proposal to close more military bases worldwide. The Air Force alone saved $5 billion from earlier closures. A bipartisan commission must be established to answer the dicey question of which pork-ridden U.S. bases to close, however.

△ **Flushing Success.** A British firm designs a toilet that can monitor human waste and spot health problems. Hooked to the Internet, it can send worrisome test results to medical specialists.

▼ **Smoke Rings.** Hennepin County, Minnesota, establishes a 15-yard smoke-free zone around county-owned facilities and forbids county employees to smoke during the work day, except at lunch and other breaks. County workers in the presence of clients cannot smoke at all. Suffolk County, New York, seeks to outdo the Minnesotans, contemplating a 50-foot no smoking zone around county buildings.

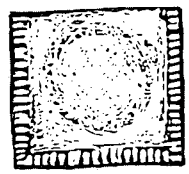
▼ **Hardboiled Regs.** A new FDA label on egg cartons warns buyers to "cook eggs until yolks are firm." The feds now say any egg less than 145 degrees could harbor bacteria. For years, several states have required restaurants to serve only hard-cooked eggs.



▼ **Unhooked.** The wired life remains a distant dream for many in far-flung corners of the globe. Only a quarter of urban residents of India and South Africa have Internet access. An Ipsos-Reid survey also found that in urban Russia, a mere 17 percent can get online.

▼ **Crap Pipe.** Viacom's MTV—the network that awarded three awards to Eminem for a body of work including an ode to raping his mom—finds geek rockers Weezer beyond the pale. The band's "Hash Pipe" video is rendered "H*** Pipe" on the network, part of a campaign against glorification of drug use.

▼ **Rubber Relief.** Kenyan President Daniel Arap Moi asks his countrymen to abstain from sex for at least two years to curb the spread of AIDS. His government also plans to import 300 million condoms for the 30 million residents of Kenya. The health ministry says that 700 Kenyans die every day of AIDS.



LIABILITIES

a referendum on this issue... or, if the Clinton funding organization would reimburse Little Rock for the price of the land from private funds."

The court will likely decide the case this fall, but it probably won't end the legal wrangling over the library. Little Rock resident Nora Harris is suing the city for using general revenues to fund the land purchase. And then, Pfeifer predicts, there are some privately owned utility companies that refuse to relocate without compensation—and a set of active railroad tracks running through the area that nobody has even begun to move.

Political Elvis

By Sara Rimensnyder

Imagine an amalgamation of Margaret Thatcher, *Rolling Stone* founder Jann Wenner, and Elvis Presley. Can't quite see it? Visit Japan.

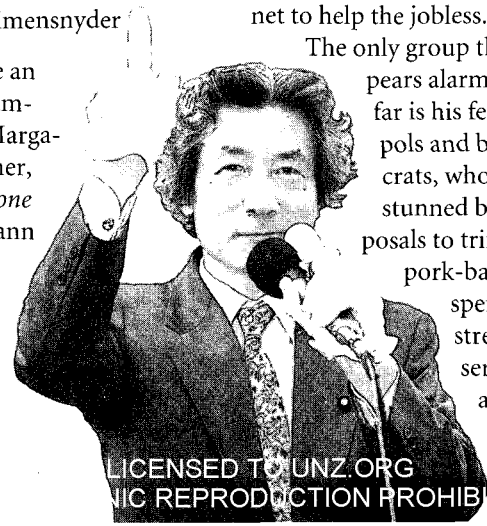
Japan's Prime Minister Junichiro Koizumi—who presides over the world's second-largest economy—may be just such a creature. He's a privatization promoter, supply-sider, and e-zine auteur. And a rising pop culture icon.

Last April, Koizumi became Japan's eighth prime minister in 10 years. Unlike his quickly dispatched predecessors, he is enjoying favorable ratings that zoom upward of 80 percent. His smile beams from T-shirts, coffee mugs, and collectible plates as Japanese citizens celebrate a leader who they hope can finally pull their nation out of its long economic slump.

They also like his e-zine, *Lion Heart*, which boasts 1 million e-mail subscribers. In it, Koizumi discusses ministry activity but also waxes philosophical on the personal toll of political fame: "I am a 24-hour bird in a cage."

The public stands by him even though the economic restructuring Koizumi has promised is likely to worsen unemployment in the near term. (He openly advocates "structural reform with no sacred cows.") Unemployment currently hovers around 5 percent, high by Japanese standards. Part of Koizumi's massive popularity no doubt arises from promises to create a social safety net to help the jobless.

The only group that appears alarmed so far is his fellow pols and bureaucrats, who are stunned by proposals to trim pork-barrel spending, streamline services, and ▶



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SOURCE

The movement for "living wage" laws—that's a minimum wage, plus insurance and other benefits—**is gaining force** with 75 hotly debated campaigns currently underway (see the map at www.livingwageresearch.org). Debates often hang on whether such mandates take jobs away from the poorest and least-skilled workers. Two Stanford researchers are trying to push the discussion further by studying a mathematical model in which both unemployment and profit margins stay steady after implementing a living wage on federal and state levels. The main findings drive home well-known truths: "**Raising minimum wages poorly targets the poor,**" and "**virtually as much money goes to the highest-income families as to the lowest.**" The study, "Winners and Losers of Federal and State Minimum Wages," is online at **www.epionline.org/study_macurdy_05-2001.pdf**.

QUOTES

"Parents are some of the worst enemies we have."
—Gay Campbell, director of communications of the Everett School District in Washington state, commenting on efforts to pass school levies at the National School Public Relations Association conference in Minneapolis on July 10.

"The only thing they changed is now we're supposed to pay taxes."
—Naomi, a 23-year-old former grade-school teacher turned prostitute on new Dutch rules that regulate Amsterdam's brothels, in *The Washington Post*, July 9.

BRICKBATS

◆ The French Riviera town of Le Lavandou has banned death. Anyone who doesn't have a reserved burial plot is now forbidden from dying within city limits. "I know it's absurd, but it's no less absurd than the court order which banned us from building a new cemetery on the grounds that the seaside terrain where we want to build comes under rules protecting the environment," said Mayor Gil Bernardi.

◆ The Turkish government is serious about its census. It threatened three months in jail to anyone who left their home the day of last fall's count. To make matters worse, the census determines how many representatives each district has and how much government money cities receive. So some local governments tried to keep people from returning to their home towns for the tally. In Ankara, police tried to keep buses from leaving the city the day before the count.

● In Elkhart, Indiana, David Hobbs and Josh Beam were turned away from their high school graduation ceremonies because they didn't wear neckties, as required by administrators. Hobbs and Beam, proud Marines, wore their dress uniforms instead. School officials told them to remove their jackets and don ties, but since military personnel can neither wear an incomplete uniform nor add anything to it, they refused. Security escorted them from the event.

privatize the country's wildly inefficient public corporations, the government-supported companies that handle the business generated by public policy—building bridges, digging for oil, and so forth.

Japanese bureaucrats profit immensely from the big-government status quo. In exchange for representing the interests of the various corporations in the ministries that are supposed to supervise them, they're offered cushy, remunerative board positions after they retire. Given that, Koizumi's reforms are certain to face powerful opposition.

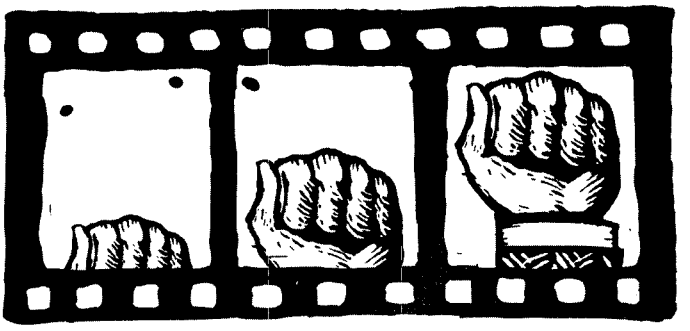
Vested interests aside, the public corporation system is deeply troubled. Take the Japan Highway Public Corporation, which the new administration has discussed privatizing or abolishing entirely.

Its debt is 10 times its annual operating income, equivalent to 30 percent of the government's annual budget. The corporation—and its buddies in the construction industry—has a penchant for building huge new expressways that hardly anyone uses. The *Daily Yomiuri* reports that one, the Trans-Hokkaido Expressway, has been dubbed by locals a "political road."

Fist Principles

By Heidi Pike-Johnson

Porn producer/director Adam Glasser, known as Seymore Butts to fans of X-rated movies, has been charged with obscenity and pandering obscenity for selling the wrong version of his award-winning *Tampa Tushy Fest.* Los Angeles police officers raided Glasser's business



in December and seized a version of the video that contains a scene where two female performers penetrate each other with their fists. According to Glasser, that particular cut was intended for the European market but was shipped accidentally to his American retailers. At the time of the mistake, Glasser told *Adult Video News* that he offered his customers the opportunity to exchange the Euro version for the tamer, all-American copy. Less than 10 percent took him up on the offer.

☛ "President Nixon's executive order providing for stabilization of prices, rents, and wages is an act of supreme defiance against the free market and the freedom of Americans....Those who value freedom should recognize the totalitarian implications of Nixon's New Economic Program."

—Manuel S. Klausner, "The Wage-price Freeze: Bold Action against Free Enterprise"

☛ "While no sensible person expects the state to vanish overnight, let us not, like Zeno, be caught up in a never-ending succession of half-way measures. When faced, for example, with someone who advocates the death penalty for publishing something in a newspaper, are we to hail...someone who offers a 99-year prison sentence?"

—Michael Hoy, "Reynolds' 'Purge' Considered"

☛ "For the first time in over a century, a significant amount of control over education will be in the hands of its consumers, rather than being the exclusive province of school boards and unions....Libertarians should begin planning now to exert a major influence several years hence in shaping post-demonstration voucher systems in a laissez-faire direction."

—Robert Poole, "Education Vouchers Questioned"

☛ "Some private U.S. investments [in Argentina] were adventures of a piratical nature, backed by coercion and cheating....The American Government—especially in Central America—has not been a restrained power, the Big Stick being remembered you-may-imagine-how."

—N. Guillermo Molinelli, "News from Argentina"

Glasser's trial begins on October 15. If convicted, he could face up to six months in the county jail and a $2,000 fine for showing two adults engaging in a consensual act—one that they both apparently enjoyed. In fact, one of the performers went on to write, produce, and direct a video called *The Fist, The Whole Fist and Nothing But The Fist* that its production company later pulled from the catalog due to a tepid response from nervous distributors.

Is Seymore Butts the only pornographer that Los Angeles is spending tax dollars to persecute? Nope. In May, the LAPD raided the home and offices of Jeff Steward, an executive at JM Productions. They seized copies of *American Bukkake 11* and *Liquid Gold 5*. While Steward has not yet been charged with a crime, he's already gearing up for the inevitable court battle, telling *Adult Video News*, "I'm fighting this all the way. I'm not gonna plead out. I have done nothing wrong."

DATA

Survey Says

By Michael W. Lynch

In July, the Markle Foundation, a New York–based outfit with too much money and time on its hands, released an Internet survey that is sure to end all Internet surveys. During a year of polling, focus groups, and in-depth interviews, Markle asked Americans their opinions about the Internet, American society, and McDonald's. It turns out that the majority of Americans like the Internet because "it makes life easier." They think of the Internet not as a "shopping mall," as many cyber-critics have whined, but as a "library"—if not a giant adult bookstore.

How Americans Feel Toward Institutions

	Warm	Cool
America Online	41%	16%
McDonald's	69	15
U.S. Postal Service	69	15
FBI	50	21
Microsoft	62	15

Source: Markle Foundation, survey of 1,049 adults

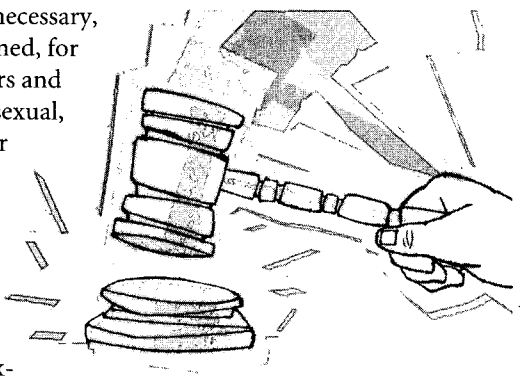
The study garnered a flurry of news reports that focused on such important topics as the public's zest for more online rules and for taxes on e-commerce. Some of the study's more interesting findings—to what extent Americans feel "warm," i.e., favorably, and "cool" toward institutions such as the FBI, the United States Postal Service, and America Online—went unreported. Find the rest of the study online at www.markle.org.

Union Curses

By Michael W. Lynch

Companies that prohibit employees from verbally abusing co-workers and customers—that is, just about every employer—can rest a bit easier, thanks to a unanimous June decision by the U.S. Court of Appeals for the District of Columbia Circuit.

The decision vacated an earlier ruling by the National Labor Relations Board that a clause prohibiting "abusive or threatening language to anyone on company premises" in a San Francisco Bay area manufacturing company's handbook constituted an unfair labor practice. It is often necessary, the NLRB reasoned, for union organizers and officials to use sexual, racial, and other derogatory epithets in the course of their daily work. (A union brief submitted in the case cited examples where calling a female manager a "bitch" and referring to "niggers" in front of black workers supposedly pushed along labor negotiations.) Therefore, said the NLRB, any policy that chilled such speech prevented workers from exercising their rights under the National Labor Relations Act. A failed union organizing drive was at issue and the NLRB ordered a new election. (See "Bleeping on the Job," July.)



The three justices on the appeals panel called the NLRB's ruling "preposterous," "a stunning misreading of applicable precedent," "utterly without merit," and "absurd." Such a ruling, the justices wrote, would have put every U.S. employer in a Catch-22, since it would force them to choose between violating labor law or risking workplace discrimination lawsuits. "[The NLRB's] position is not 'reasonably defensible,'" ruled the court. "It is not even close."

Mosquito Holocaust

By Brian Doherty

While the wealthy West has wiped out malaria, it remains deadly to millions in the developing world, particularly in Africa; the annual global death toll from the disease is 1 million. Now activists working to control malaria have won a partial victory over environmentalists who want to ban DDT, the pesticide that's the cheapest, most efficient means of killing the mosquitoes that spread the disease.

Greens have targeted DDT ever since Rachel Carson's *Silent Spring* (1962) testified to its possible role in thinning bird egg shells. DDT was one of 10 chemicals marked for banning in the United Nations Convention on Persistent Organic Pollutants (POPs), signed in May by 93 ▶

BRICKBATS

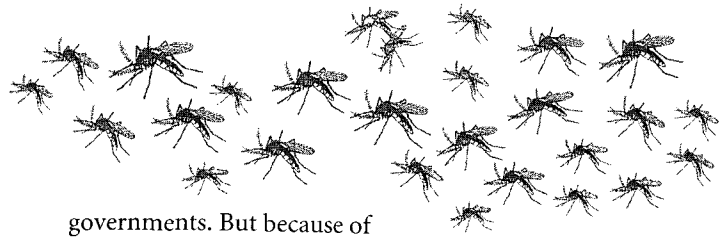
◆ Thomas Walsh hasn't paid his city property tax in three years. "I have no defense. I just fall behind," he said about his $3,500 in back taxes. Walsh is the director of the Lackawanna County, Pennsylvania, Tax Claim Bureau.

◆ German motorists have been put on notice: Don't make rude gestures at traffic cameras. A Bavarian court has ruled that a driver who gave a camera the middle finger was, in effect, making that gesture at the police. He was charged with offending the police, a crime in Germany.

◆ The Tyranny Response Team, a pro-gun rights group, pulls no punches. When the Boulder, Colorado, City Council met to discuss more curbs on guns, the TRT wanted to show what can happen when people can't defend themselves. They showed up wearing yellow stars and passed out photos of Holocaust victims. At anti-gun marches, they've stood on the sidelines raising their arms and yelling "Sieg Heil!" Some people apparently don't get the point: The Anti-Defamation League now monitors the group.

◆ Police in Lagos, Nigeria, released two dogs after failing to find any evidence to support charges that they were actually children who had been transformed into canines by a witch. They also released the man accused of making the change, as well as 13 members of a mob that beat the man and tried to lynch him.

—Charles Oliver



governments. But because of lobbying on the part of anti-malaria organizations, DDT wasn't banned entirely. Rather, it was put in a "restriction" category, as opposed to being targeted for outright "elimination," as were the other nine substances.

The Convention spells out that "disease vector control"—killing mosquitos, that is—is a permissible use for DDT. Those who wish to continue to produce and use the insecticide can only do so with the express permission of the U.N. secretariat enforcing the agreement, and will become part of a public DDT registry.

This is undoubtedly a victory for anti-malaria forces, who feared the U.N. would completely ban their best weapon. But a recent monograph, *Malaria and the DDT Story*, by Roger Bate and Richard Tren (published by the Institute for Economic Affairs, a British free-market think tank), argues that the Convention is still an unnecessary burden on malaria-plagued countries. They hold that requiring desperately poor nations to develop new bureaucracies to track and report to the U.N. and the World Health Organization about how, when, where, and why they are using DDT will sap scarce resources that could otherwise be used to fight malaria.

DNA on Demand

By Rhys Southan

Scotland's Strathclyde Police don't blink twice when it comes to slighting privacy for crime detection. In March, Scotland's largest police department announced that officers would take DNA samples from everyone they arrest, no matter how minor the crime. Previously, the police only took DNA from violent criminals, but this new method promises to increase retrieved DNA samples by about 800 a month. The department assures privacy advocates that they will destroy the DNA samples of those found innocent.

Even that bit of leniency, however, may not last long. The law doesn't actually require the police to destroy samples from the wrongly accused, so doing so depends on the whim of the department. And at least one Strathclyde official wants to keep all the samples he can get. Assistant Chief Constable Graeme Person openly advocates a DNA database of every Scottish citizen, whether they're caught committing a crime or not.

Scotland is not the only country flirting with Orwellian crime prevention. Tony Blair intends to have all active criminals in Britain on a national DNA database by 2004. The United States already has a national database with about 600,000 DNA samples, though the individual states have different criteria for taking the samples. The strictest states require samples from all convicted felons. Hong Kong just passed a law allowing police officers to take DNA samples from "serious crime" suspects. Previously, they had to first get permission.

Sky High Taxes

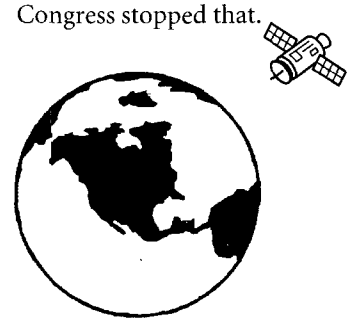
By Jeff A. Taylor

Good tax collectors find new things to tax. Los Angeles County Assessor Rick Auerbach may turn out to be taxman of the century if he succeeds in slapping property taxes on several satellites.

The eight birds orbiting the equator are worth $100 million each to Hughes Electronics, which happens to have offices in L.A. county. That's enough to make Hughes owe the jurisdiction a multi-million-dollar tax bill, Auerbach claims.

Auerbach counts satellites as taxable movable personal property—like boats, construction equipment, and ice-skating costumes. For its part, Hughes says that geostationary birds are stationary—hence, not movable—and, it follows, not taxable.

The matter seems destined to end up in court. But don't bet against the tax guys. For years California had no compunction about reaching over state borders to tax the pensions of former California residents. Only an act of Congress stopped that.



Shock Therapy

By Sara Rimensnyder

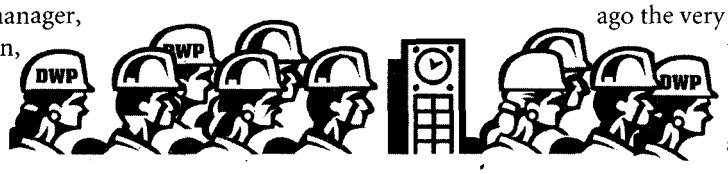
There's been one big winner in California's much-reviled, phony electricity deregulation plan: Los Angeles' publicly owned Department of Water and Power. Since the state restructured its electricity markets in 1996, the

DWP has raked in hundreds of millions of dollars by selling excess power to juice-thirsty private utilities. Just since January, reports the Los Angeles *Daily News*, the DWP has earned more than $100 million through such sales.

The deal works like this: When California passed "deregulation," public utilities retained their various perks, including the right to buy heavily subsidized hydroelectric power from the federal government. So the publicly minded fellows at the DWP purchased loads of cheap, subsidized power, marked up the price—sometimes by as much as 10 times the original cost—and then resold it to private utilities.

Those massive profits tell only part of the story of the DWP's good fortune. Thanks to deregulation, the utility's reputation has gone from public laughingstock to public power exemplar. Five years ago, long before California was famous for regular rolling blackouts, the public utility was mired in debt totaling about $8 billion, far higher than the national average for public or private utilities. According to its own press releases, the DWP had the "largest workforce per kilowatt-hour" in the industry, meaning it was woefully inefficient at generating electricity. All it had going for it was its state-mandated monopoly.

When deregulation passed, it brought with it the threat of competition with private providers. That was enough to promote big change at the lackluster utility. In 1997, the city hired a new general manager, David Freeman, to turn things around. By April 2000, Freeman had paid off more than $2 billion of the utility's debt. How? By doing what private companies do to improve the bottom line: laying off workers, selling property, and cutting costs. And, of course, by selling high-priced power to the rest of the state. "Just two and one half years ago the very survival of this utility was uncertain," said Freeman at a May press conference held at the utility's downtown headquarters.



A cheery *Los Angeles Times* op-ed in late April informed readers that "Kilowatt socialism saved L.A. from the energy crisis." Not exactly, comrade: It turns out the energy crisis saved a socialist utility.

SOUNDBITE

Guerrilla Unschooling

By Rhys Southan

Grace Llewellyn

Author Grace Llewellyn is an influential advocate of "unschooling"—learning from the world rather than in a classroom. After negative experiences in both public and private schools, the former English teacher published *The Teenage Liberation Handbook: How to Quit School and Get a Real Life and Education* (1991), a popular guide for adolescents who want to take learning into their own hands.

Now, with co-author Amy Silver, Llewellyn has written a book for parents who can't take their kids out of school but still want to play a larger role in their education. Llewellyn says that *Guerrilla Learning: How to Give Your Kids a Real Education With or Without School* (John Wiley & Sons) suggests "seeing the school system not as something that owns your kids' education, but rather seeing yourself, or your family, or your kids, as directing their education."

REASON intern Rhys Southan spoke with Llewellyn via phone in mid-July.

Q: How does school damage kids?
A: People learn passivity. People are controlled and become accustomed to control. So it constricts people into not thinking for themselves, not making choices for themselves, and not imagining very large possibilities for themselves and for the world.
Q: How effectively can you work within the school system?
A: I think the system is harmful. It's a bad system. For a lot of people, the ideal situation is just to get out. But my views have shifted in the last 10 years. I see people as more powerful than I did then.
Q: So you don't see schools as quite as powerful?
A: I still see them as powerful and as causing a lot of harm. But I think the more aware [students] are of how the system operates, the more power they have to be the people they want to be. And if parents support their kids, that offsets a lot of the damage. For too many kids, school is telling them how they should behave and telling them that if they don't do well in school, then they're nothing.
Q: Are parents often indifferent to their children's education? Or do they trust that school will take care of everything?
A: In my experience, there really aren't many indifferent parents. There are a lot of parents who are tired or have really busy lives. In general, they are intimidated by the system and the only thing they know to do is to say, "Johnny, do your homework!" Or, "Danny, make sure you're getting good grades!" They feel that is the best parenting they know how to do. I often get letters from parents who say, "I know [the handbook] was written for teenagers, but after reading it I realized that I'd been living my whole adult life as if I was still terrified of my math teacher."
Q: Are there public policy changes that need to happen before unschooling can really take off?
A: We could do with a lot less emphasis on testing, and on a larger scale, I would stop making schools compulsory.

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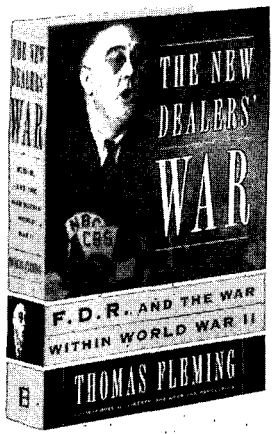

The New Dealers' War – Despite his personal admiration for Franklin D. Roosevelt and his economic policies, historian Thomas Fleming delivers a scathing analysis of FDR's actions before World War II. Careful research lead him to definitively discover a shocking truth: that because of his New Deal mindset, FDR felt entitled to trick America into a war she overwhelmingly opposed.

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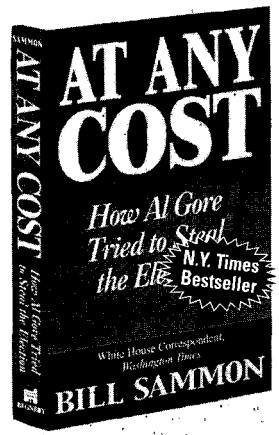

At Any Cost – Al Gore's maneuvering in the 36 days following the election was nothing short of attempted robbery. Now that the dust has settled get a no-holds-barred, behind-the-scenes account of the events in Florida from *Washington Times* reporter Bill Sammon. Citing countless inside sources and never-before-published evidence, he uncovers what no other reporter has: the truth!

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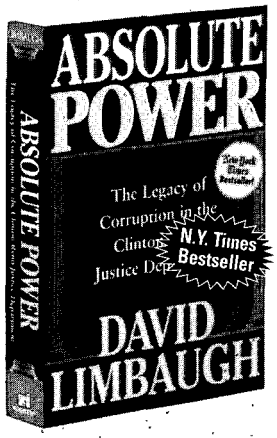

Absolute Power – David Limbaugh fearlessly reveals how far the Department of Justice has fallen during the misrule of Bill Clinton. We knew Janet Reno was corrupt, but now see how far she went to serve and protect the political interests of Bill Clinton and Al Gore. A stunning and haunting read that no lover of freedom can ignore.

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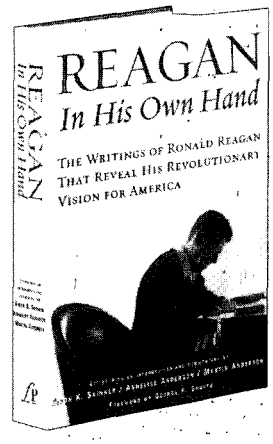

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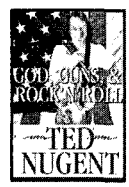

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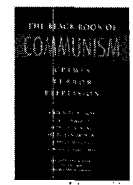

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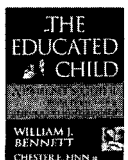

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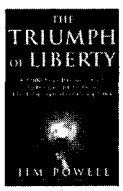

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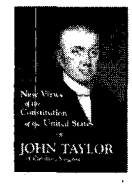

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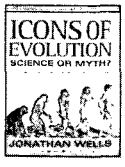

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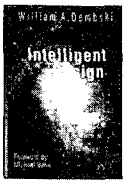

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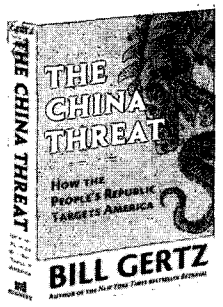

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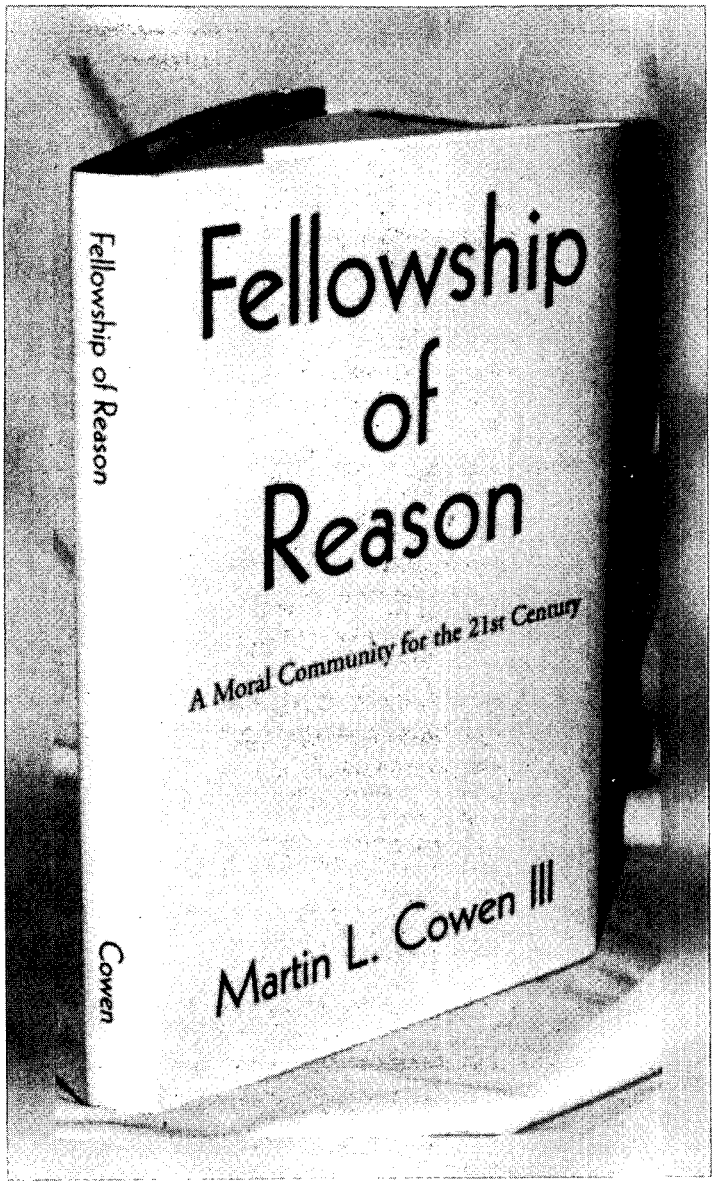

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Michael W. Lynch

No Controlling Authority

The economy is too complex for even Alan Greenspan to handle.

Throughout the 1990s, Federal Reserve Chairman Alan Greenspan basked in the glory of a strong economy—and a strong stock market. Greenspan-worship perhaps never reached the ridiculous heights chronicled by disgraced journalist Stephen Glass, who in 1998 penned a fictitious article for *The New Republic* about an investment bank that actually created a shrine to Greenspan. But Glass' fabrication, which included tales of traders celebrating Greenspan's birthday with cake and song, wasn't so ridiculous that people didn't believe it at first. "As far as the financial markets go, [Greenspan's] more powerful than God," the honest-to-god, real-life chief market strategist for the investment banking firm Ferris, Baker Watts effused to the *Baltimore Sun* in 1998.

Today, with the economy slowing, the NASDAQ tanking, and the Dow Jones Industrial Average sliding sideways, Greenspan is coming in for criticism. "Alan Greenspan is out of control," wrote Fox News Channel's Bill O'Reilly earlier this year. "Take that to the bank. The guy messed up big time and now will not explain himself." More recently, the famously irritable talk-show host has been lambasting Greenspan on the air, decrying the Fed head's general unwillingness to talk in anything other than the most inscrutable terms.

Yet if Greenspan were ever to explain himself clearly, O'Reilly wouldn't like what he'd hear. Neither would all those people who desperately want a single person to be in "charge" of the economy, making sure that stock portfolios remain flush and jobs secure. Hard-truth time: As skillful as he may be, Greenspan has never managed the U.S. economy. "The Fed didn't cause the boom," says Lee Hoskins, who served as president of the Cleveland Federal Reserve Bank from 1987 to 1991. "The slowdown in economic activity wasn't caused by monetary policy."

"If the Fed is trying to steer the macro economy, it has an impossible task," adds Lawrence H. White, the F.A. Hayek Professor of Economic History at the University of Missouri's St. Louis campus. All the Fed controls, after all, is the money supply. To be sure, that's no small matter. "If it gets things wrong," cautions White, "it can drive the economy through business cycles, and through its history the Fed has done that many times. If they get things right, they avoid being a source of disturbance, but they don't affect the real growth of the economy. The best the Fed can do is avoid being a source of disturbance."

MIKE LUCKOVICH

Yet even among those who know better, it is widely assumed that the Fed sets interest rates. As the Ferris, Baker Watts market strategist told the *Baltimore Sun* back in the late '90s glory days: "Greenspan controls interest rates....Interest rates control the money flow. And money makes the market go." Actually, the Fed sets only the discount rate, the interest rate at which it lends to other banks. As for other interest rates, it attempts to affect them by either buying or selling bonds, which either sucks money out of the economy or puts money into the banking system.

But the Fed can't force banks to lend. And it can't force companies and individuals to borrow. Sometimes it can't even affect, let alone determine, other rates for money borrowed over longer periods of time. Although the Fed started cutting its discount rate last December, the yield on the 10-year government bond actually increased from 4.75 percent to 5.09 percent since March. "Real interest rates, adjusted for inflation, have natural values that are independent of monetary policy," says University of Georgia economist George Selgin. "The Fed has no ability to set real interest rates. None."

Is Selgin overstating his case? Consider that Greenspan was unable to gradually moderate the stock market's tech bubble, which he first addressed back in late 1996 with his famous comments on how escalating security prices may be the result of "irrational exuberance" among investors. At the time, the Dow was at 6,300 and the NASDAQ stood at 1,600. As long as the market was going up, no one much cared that Greenspan was powerless to pull the indexes down to earth. In fact, as late as September 2000, a source as sophisticated as *The Financial Times* of London declared that Greenspan had achieved the much-

coveted "soft-landing," as if he were in fact piloting the economy. Now that the NASDAQ has dropped more than 60 percent from its peak, people may care more than ever about what Greenspan has to say. But that doesn't mean he's any more able to pull us out of the current doldrums than he was to ease us out of our mind-blowing bubble.

Ascribing dictatorial powers to the Fed chairman is nothing new. Indeed, there was a time when virtually all sophisticates believed the government could control and effectively manage the economy. "In the mid-1960s, a report from the Council of Economic Advisers stated that we had sufficient knowledge to manage the economy and it was incumbent on us to do so," says Hoskins, the former chief at the Cleveland Fed. "That proved to be the big mistake. We started with low inflation and unemployment and sent them both into double digits." This outcome was supposedly impossible according to standard economics of the era.

But then economists have never known much about how the economy actually works from day to day. "Economists do not know the interworkings of the economy sufficiently well to attempt to manage it," says Hoskins. "There are millions, if not billions, of decisions, going on in the U.S. economy every day. Those decisions are made by a couple of hundred million people. There's no way anyone can stamp those decisions out in advance."

Some dismal scientists have long understood the limits to government management of the economy. "We are in danger of assigning to monetary policy a larger role than it can perform," said the supreme monetarist Milton Friedman in 1968. "In danger of asking it to accomplish tasks that it cannot achieve, and, as a result, in danger of preventing it from making the contribution that it is capable of making."

That contribution is not to manage the price of stocks and bonds or to smooth short-term fluctuations in economic output and employment. The contribution that monetary policy can make is to not distort these variables. This is accomplished by keeping a steady price level—or steady inflation—which in turn is accomplished by keeping a steady rate of growth in the money supply. If we want economic growth, then price stability, not economic smoothing, should be the Fed's goal.

In the early 1980s, Fed chair Paul Volker started the stabilizing process by shutting off the money spigot, and inflation dropped from 14.8 percent in March 1980 to less than 4 percent three years later—low by recent, if not historical, standards. Greenspan inherited Volker's legacy when he took over in 1987, and has undoubtedly enjoyed a wonderful run. Save for a brief downturn in 1990 and 1991, which helped cost Bush the Elder his job, the U.S. economy has grown his entire tenure. Inflation, while higher than in the 1950s and the 1960s, has held at a stable 3-percent annual rate. As important, unemployment and growth, two variables on which the economy's average performance was actually worse in the 1990s than in the '50s and '60s, have also remained stable. The 1990s were remarkable, notes Harvard economist N. Gregory Mankiw in a study of monetary policy during those years, for their smooth sailing. There was much less variation in both unemployment and output than in earlier decades. Perhaps this stability was due to deft discretionary monetary policy, or perhaps it was due to other factors. Throughout the '90s, after all, the U.S. economy experienced fewer external shocks than in previous decades, the two most prominent being the Gulf War and the Asian financial crisis.

One might also add the technology investment bubble to the disturbances. It produced our current situation: an economic slowdown led by declining investment. While consumer spending remains remarkably strong, business investment has collapsed, due to more realistic expectations of future economic growth and profit potential. The collapse was not caused by a Fed-induced liquidity crisis—that is, by a tightening of the money supply—but by a reality check among investors and managers. There's plenty of money in the economy, as evidenced by the fact that the Consumer Price Index is increasing to nearly 4 percent. If deflation were occurring, one would expect that indicator to be falling.

So far, outside of the devastated telecommunications and tech sectors, firms have been hesitant to lay employees off, which has helped to keep consumption high. If this holds, the slowdown will be relatively short: Companies will sell off inventories, then start to invest again. Jobs and resources will shift from unproductive sectors to productive sectors of the economy. If employment collapses, consumer spending will likely fall as well, and the current slowdown will take longer to pass.

Greenspan's tenure has done much to revive the notion that wise economists can pilot the economy. In fact, they're passengers, just like the rest of us.

In either case, it will be natural market forces that end the slowdown, not a blast of money into the economy. That's normal. Says White, the University of Missouri economist, "There's never been a time when monetary policy pulled us out of a slowdown."

If the slowdown is short, Greenspan will retain his demigod status. If it plays out over a longer time frame and stories about rising unemployment hit the papers, he'll suffer more insults from the likes of Bill O'Reilly, Americans will lose their faith in him, and he'll wish he'd called it quits back in June 2000.

Regardless of how the current situation plays out, however, Greenspan's tenure will leave a dangerous legacy. It has done much to revive the notion, as expressed by the Council of Economic Advisers in the 1960s, that wise economists can in fact pilot the economy smoothly or bumpily. In fact, they're passengers, just like the rest of us. When the next person climbs into what he considers to be the pilot's seat, he may just fly us right into a mountain. ◆

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Cathy Young

Soviet Reunion

Russia's future is looking frighteningly like its past.

When I left Moscow as a teenager in 1980, the Soviet regime seemed eternal—virtually impervious to internal change or external defeat, at best containable in its imperial ambitions. When the changes then known under the blanket term *glasnost* began toward the end of the '80s, my first reaction was that all the talk of reform and openness was just a cosmetic gloss for Western consumption. However, a few years and five trips to my former homeland later, I was inclined toward a new conviction: Whatever happened in Russia, good or bad, there was no going back to the old days of the Cold War, enforced ideological conformity, a docile press, and pervasive fear of the powers that be.

In recent months, though, I have occasionally wondered if, having once overestimated the permanence of the Soviet system, I had more recently overestimated the permanence of change. The news from post-Soviet Russia, never particularly heartening, increasingly evokes grim and queasy feelings of déjà vu.

Consider these disturbing data points: An American student is arrested for alleged drug possession, then hit with espionage charges that are never formally pursued but hang over him nonetheless. Employees at scientific institutes and laboratories are ordered to keep the Russian Academy of Sciences informed of all their foreign contacts; they must now provide copies of applications for international grants and of articles submitted to foreign publications, to disclose visits by foreigners, and to file written reports on business trips abroad. All of this is ostensibly to prevent the leakage of classified information.

Broadcast media outlets critical of the government become targets of transparently political investigations and takeovers. The pro-government press bristles with anti-Americanism while the country's leadership cozies up to communist China, Cuba, and the pariah state of North Korea. *Izvestia* columnist Yuri Bogomolov noted sarcastically that "Russia was slightly made up to look like the U.S.S.R." for the recent visit by North Korea's Kim Jong Il, though not to the extent of filling the streets with joyous throngs to greet him.

The regime of Russian President Vladimir Putin's predecessor, the erratic Boris Yeltsin, certainly had numerous faults. Rapacious corruption was, perhaps, the least egregious of them. Under Yeltsin, steps toward a market economy based on private property and competition were minimal and haphazard, while oligarchs who had managed to personally privatize a chunk of the Soviet state's assets had free rein to give capitalism a bad name.

Nor was there much progress toward a government based on checks and balances. In the 1997 presidential race, the skewed allocation of campaign resources and overt, relentless bias in the media so blatantly stacked the deck in favor of Yeltsin and the ruling party that only the awfulness of his opponents kept champions of democracy, at home and abroad, from crying foul.

However, on two points, Yeltsin and his administration deserve whatever credit they can get. They genuinely respected freedom of the press, and they explicitly treated the rise of democracy in Russia as a clean break with the country's communist past. They may not have gone nearly as far as many dissidents and pro-democracy activists wanted; no program similar to de-Nazification in post–World War II Germany was enacted, and even the mummified Lenin was allowed to rest in his mausoleum on Red Square. Yet the repudiation of the Soviet legacy was fairly unambiguous.

The change in tone under Putin couldn't have been more startling. The symbolism alone says a great deal. Less than a year after his rise to power, Putin pushed through a proposal to adopt the old Soviet anthem as the new anthem of Russia (with updated lyrics), much to the horror of those Russians for whom the Stalin-era tune is an attribute of an evil empire. The red Soviet banner, albeit without the hammer and sickle, was also restored as Russia's military flag.

The official literature of Russia's Federal Security Service (FSB) now openly treats the Soviet-era KGB as a respectable, if imperfect, predecessor. Putin himself is a career KGB officer who takes unabashed pride in his career. At times, he has publicly referred to himself as a former "Chekist," a word that rings much like "Gestapo agent" to pro-democracy Russians. It is derived from the Cheka, the Soviet regime's first secret police, created as an instrument of Red Terror in 1917. (Of course, Yeltsin too was a former Communist functionary. But his fame arose when he broke with the party bosses and joined the opposition bloc in the Soviet parliament, alongside dissidents such as the late human rights activist Andrei Sakharov.) Nor does Putin make any bones about the fact that he views Yuri Andropov, the onetime KGB chief who briefly succeeded Brezhnev at the helm of the Soviet regime, as his mentor.

The deference to security services isn't just symbolic, as the surge of spy mania in Putin's Russia attests. In a recent incident that gives off a strong odor of the bad old days, an American economics and social studies lecturer at Omsk State University, Elizabeth Sweet, was called in for questioning by the FSB because of a project her students were involved in—interviewing local people about their life stories, including, apparently, some workers at a factory with ties to the defense sector. Sweet was cleared of wrongdoing but was still asked to turn over her students' papers.

When it comes to freedom of the press, the red flags are equally visible. In April, Russia's only independent television station, NTV, was taken over by Gazprom, the state-controlled energy giant. This was ostensibly because of financial mismanagement, but the real political motives were

obvious. Despite promises to maintain its distinct political voice, most media observers agree that NTV has been brought to heel. While the Putin administration still comes in for some criticism, the president himself is mostly off-limits. One post-takeover segment of the cutting-edge satirical puppet show *Kukly*, which used to skewer Putin mercilessly, made fun of NTV's ousted director for raising the alarm about threats to free speech.

Meanwhile, in the loyalist press, opposition leaders and activists who criticize Russian policies, especially the brutal war in Chechnya, are attacked in all-too-familiar terms as dupes or paid lackeys of Western powers.

It should be noted that, for every blast from the past, one could cite a counterexample that shows just how much Russia *has* changed since the Soviet era. In several cases, the courts have refused to convict whistle-blowers on charges trumped up by security services. The journalists who resigned from NTV to protest the takeover have not been muzzled completely. They have found a new home on a smaller independent station, TV-6. The station is not available in about a third of Russia's territory and is plagued by poor reception, but nonetheless provides a platform for often harsh criticism of Putin's policies and of Russia's authoritarian drift. At least at the time of this writing, the independent radio station Ekho Moskvy, part of the Media-Most empire that also used to include NTV, has avoided being brought under Gazprom's thumb through the sale of a critical block of shares to former liberal economic affairs minister Yevgeny Yasin. And in the print media, voices of opposition remain fairly strong.

But when listing all these signs that Russia's fledgling civil society is not moribund, one feels compelled to add: *for now.*

It is true that Russia now has a generation of young people who have been raised in a relatively free society. Elizabeth Sweet's students in Omsk, for instance, reportedly thought it was hilarious, rather than terrifying, that the federal security service was interested in their research papers. But, once again, that's true *for now.* History shows, alas, that fear is not too difficult an emotion to instill, particularly in a country that has such ample experience with it. Privately, many Russians say the old habits of mutual mistrust and fear of saying the wrong thing in front of the wrong person are already coming back.

None of this is to say that Putin really wants a return to the way things were—if only because he is surely smart enough to know that such a return is impossible. He understands the need for at least civil relations with the West, even as he seeks to renew ties with old Soviet allies. He dutifully pays lip service to civil liberties, hailing a free press as "the most important guarantor of the irreversibility of our country's democratic course" in a meeting with journalists. He even reminded his former KGB colleagues at a banquet last year that their new task was to protect the constitutional rights of Russia's citizens.

When it comes to economic reform, moreover, Putin the authoritarian may deserve better grades than Yeltsin the democrat. Under Putin's administration, taxes have been cut and the tax code simplified. After a decade of foot-dragging, it looks like private ownership of land may at last be legalized.

Yet while socialism is not the part of the Soviet legacy that Putin and his supporters seek to reclaim, a powerful state most certainly is. In *Moscow Times* last March, Russian commentator Evgenia Albats wrote that Putin's ideology is "one of extreme statism pragmatically married to a market economy." The word for that is *fascism.* And under a statist regime in which the rights and freedoms of the individual are viewed as secondary, the market economy will always remain, to some extent, at the whim of whoever happens to be in charge of the state.

In the loyalist press, opposition leaders and activists who criticize Russian policies, especially the brutal war in Chechnya, are attacked in all-too-familiar terms as dupes or paid lackeys of Western powers.

When Russia embarked on its course of political change, some observers argued that it would have done better to take the same road as China, emphasizing market-oriented economic reform first in the hope that civil liberties, ideological openness, and freedom of expression would come later.

Nowadays, with new reports of brutal crackdowns on political dissidents or followers of an innocuous meditation-and-exercise movement trickling in from China nearly every day, the Chinese way looks less and less like a positive model. Russia's problem is not that it started with political change, but that it didn't take the changes far enough.

Indeed, perhaps the real message of the current events in Russia is that moral issues take precedence over economic ones after all. Those among the Russian democrats who said that the most important task facing the country was an honest accounting and repentance for the crimes of communism may have been right. If this task had been tackled, Russia could not have ended up with an ostensibly "democratic" government that sees itself as an almost-proud heir to the Soviet state. ◆

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Ronald Bailey

Blastocyst Brouhaha

Which human cells count as people?

Are 5-day-old human embryos people? That's the fundamental question at issue in the ongoing and heated discussion regarding embryonic stem cell research. The debate was sparked when privately funded researchers announced their discovery nearly three years ago. They found that stem cells, which have the potential to develop into any of the body's 220 different types of specialized cells, hold great therapeutic promise. The hope is that stem cells will someday be able to help physicians fix spinal cord injuries, cure diseases such as Parkinson's, Alzheimer's, and diabetes, and regenerate malfunctioning organs such as livers and hearts.

Embryonic stem cells are derived from 5-day-old human embryos, technically called blastocysts at that stage of development. These consist of about 150 cells. While they are not the only source of usable stem cells, embryonic stem cells are regarded as the best source for possible therapeutic applications. They are also the most controversial: Opponents claim that the destruction of human embryos, a by-product of extracting the stem cells from the blastocysts, is equivalent to destroying a human being.

So, are the embryos from which stem cells are derived people? The answer: Only if *every* cell in your body is also a person.

Why? Because it is logically (if not quite logistically) possible for each of your body's cells to become your twin. Each skin cell, each neuron, each liver cell is *potentially* a person. All that's lacking is the will and the application of the appropriate technology. Cloning technology at this point in time is clunky. In the future, though, researchers will likely be able to skip cloning, and simply flip a few genetic switches to regress any of your cells to earlier stages of development, says Harold Varmus, former director of the National Institutes of Health. Ultimately, researchers could take your cells all the way back to the embryonic stage, then implant them into a womb where they could eventually develop into complete human beings.

"What happens when a skin cell turns into a totipotent stem cell [a cell capable of developing into a complete organism] is that a few of its genetic switches are turned on and others turned off," writes bioethicist Julian Savulescu in the April 1999 issue of the *Journal of Medical Ethics*. "To say it doesn't have the potential to be a human being until its nucleus is placed in the egg cytoplasm [i.e., cloning] is like saying my car does not have the potential to get me from Melbourne to Sydney unless the key is turned in the ignition."

Starting a human egg on a particular path, either through fertilization or cloning, is a necessary condition for developing a human being. But it isn't sufficient.

Like turning the key in the ignition to begin a journey, starting a human egg on a particular path, either through fertilization or cloning, is a necessary condition for developing a human being. But it isn't sufficient. A range of other conditions must also be present. Those include the availability of a suitable environment, such as a woman's womb. Two well-known pro-life politicians understand that "certain conditions" make a difference.

Sen. Orrin Hatch (R-Utah) argues that "a frozen embryo stored in a refrigerator in a clinic" isn't the same as "a fetus developing in a mother's womb." Former Sen. Connie Mack (R-Fla.) declares, "For me, as long as that fertilized egg is not destined to be placed in a uterus, it cannot become life." In other words, for Hatch and Mack, location in a petri dish makes a lot of difference.

"I cannot see any intrinsic, morally significant difference between a mature skin cell, the totipotent stem cell derived from it, and a fertilised egg," writes Savulescu. "They are all cells which could give rise to a person if certain conditions obtained.... If all our cells could be persons, then we cannot appeal to the fact that an embryo could be a person to justify the special treatment we give it."

The DNA content of a skin cell, a stem cell, and a fertilized egg are exactly the same. The difference between what they are and what they could become is the environment in which their DNA is found. Thus, the mere existence of human DNA in a cell cannot be the source of a relevant moral difference. The differences among these cells are a result of how the genes in each are expressed, and that expression depends largely on which proteins suppress or promote which genes.

So people who oppose stem cell research must logically be committed to the notion that the only difference between your skin cell and your twin are the proteins that decorate their DNA strands. But can moral relevance really be reduced to the presence or absence of certain proteins in a cell?

Ronald Bailey (rbailey@reason.com) is REASON*'s science correspondent.*

ADVERTISEMENT

Police end marijuana seizures

New effort to halt tide of hard drugs

Special report: drugs in Britain

David Rose, Anthony Browne and Faisal Islam
Sunday July 8, 2001

The Observer

Britain is to abandon the hunt for cannabis smugglers and dealers in the most dramatic relaxation of policy on the drug so far.

Instead the Government has told law enforcement officers, including Customs officials and police, to target resources on 'hard drugs', such as heroin and cocaine.

Under the new strategy - part of the most radical shift in drugs policy for a generation - large-scale cannabis seizures and prosecutions will now take place only as a by-product of investigations into Class A drugs.

Last week with the blessing of Home Secretary David Blunkett, police in Brixton, south London, abandoned their policy of prosecuting people found with small amounts of the drug.....

The relaxation of policy on cannabis follows changing public attitudes to the drug. This weekend senior Tory MP Alan Duncan supported Peter Lilley, the former deputy leader of the Conservative Party, who called for the legalisation of sale of the drug in licensed outlets.

Ash director Clive Bates said: 'We would legalise cannabis in its non-smokable forms, such as in cakes, tea or droplets. There's irrationality and inconsistency in the policy on tobacco, soft and hard drugs. Even if you legalised cannabis in its smokeable forms you couldn't come close to the harm done by cigarettes, because no one smokes 20 joints a day.'

Can we learn from the Brits?

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For more information, visit www.csdp.org and www.drugwarfacts.org

LET'S TALK ABOUT SEX
HIGHLIGHTS FROM A FIFTH GRADE PARENT/STUDENT/TEACHER MEETING ON "FAMILY LIVING AND SEXUAL HEATH," AS WITNESSED BY PETER BAGGE ©2001 (PETERBAGGE@EARTHLINK.NET)
...OKAY GIRLS, LET'S TELL YOUR PARENTS ABOUT ALL THE WONDERFUL, BEAUTIFUL, MAGICAL THINGS THAT WILL HAPPEN TO YOUR BODIES AS YOU ENTER PUBERTY...
YOU MEAN LIKE PERIODS?
AND PIMPLES?
WE'RE GOING TO ILLUSTRATE ALL THE CHANGES A GIRL WILL GO THROUGH AS SHE ENTERS JUNIOR HIGH ON THIS LOVELY LADY...
?!? "LOVELY"?
OH BOY! MAKEOVER TIME!
...UH, MOM AND DAD, TO TURN AROUND WHILE I DRAW THE NAUGHTY BITS...
?
!
AND THE RESULTS ARE IN...
TATTOOS?!? ON A MIDDLE SCHOOLER?
UH-HUH! AND SHE STAYS OUT PAST MIDNIGHT AS WELL!
...Y-YOU GIRLS NEED TO RESIST THE PRESSURE TO CONFORM TO SOCIETY'S NARROW CONCEPT OF "BEAUTY."
I CAN'T DECIDE IF HER EYESHADOW MATCHES HER HALTER TOP.
Q + A TIME...
...WERE YOU ABLE TO TALK WITH YOUR PARENTS ABOUT SEX?
HELL, NO!
OH MAN, IT'S NO WONDER I'M SUCH A MESS!
MEANWHILE, IN THE BOYS' CLASS...
...DURING OVULATION, THE EGG PASSES THROUGH THE FALLOPIAN TUBES...
?
DON'T LOOK AT ME!
HEY, WHO TOOK MY GAMEBOY?
I FEEL SICK...

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School's Out

Get ready for the new age of individualized education

By Daniel H. Pink

Here's a riddle of the New Economy: Whenever students around the world take those tests that measure which country's children know the most, American kids invariably score near the bottom. No matter the subject, when the international rankings come out, European and Asian nations finish first while the U.S. pulls up the rear. This, we all know, isn't good. Yet by almost every measure, the American economy outperforms those very same nations of Asia and Europe. We create greater wealth, deliver more and better goods and services, and positively kick butt on innovation. This, we all know, *is* good.

Now the riddle: If we're so dumb, how come we're so rich? How can we fare so poorly on international measures of education yet perform so well in an economy that depends on brainpower? The answer is complex, but within it are clues about the future of education—and how "free agency" may rock the school house as profoundly as it has upended the business organization.

ANDREW VANDERKARR

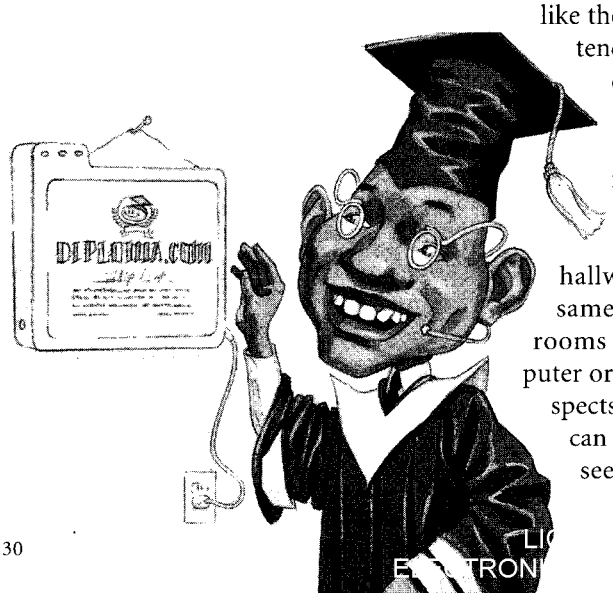
We are living in the founding of what I call "free agent nation." Over the past decade, in nearly every industry and region, work has been undergoing perhaps its most significant transformation since Americans left the farm for the factory a century ago. Legions of Americans, and increasingly citizens of other countries as well, are abandoning one of the Industrial Revolution's most enduring legacies—the "job"—and forging new ways to work. They're becoming self-employed knowledge workers, proprietors of home-based businesses, temps and permatemps, freelancers and e-lancers, independent contractors and independent professionals, micropreneurs and infopreneurs, part-time consultants, interim executives, on-call troubleshooters, and full-time soloists.

In the U.S. today, more than 30 million workers—nearly one-fourth of the American workforce—are free agents. And many others who hold what are still nominally "jobs" are doing so under terms closer in spirit to free agency than to traditional employment. They're telecommuting. They're hopping from company to company. They're forming ventures that are legally their employers', but whose prospects depend largely on their own individual efforts.

In boom times, many free agents—fed up with bad bosses and dysfunctional workplaces and yearning for freedom—leapt into this new world. In leaner times, other people—clobbered by layoffs, mergers, and downturns—have been pushed. But these new independent workers are transforming the nation's social and economic future. Soon they will transform the nation's education system as well.

The Homogenizing Hopper

Whenever I walk into a public school, I'm nearly toppled by a wave of nostalgia. Most schools I've visited in the 21st century look and feel exactly like the public schools I attended in the 1970s. The classrooms are the same size. The desks stand in those same rows. Bulletin boards preview the next national holiday. The hallways even *smell* the same. Sure, some classrooms might have a computer or two. But in most respects, the schools American children attend today seem indistinguishable from the ones their parents and grandparents attended.



At first, such déjà vu warmed my soul. But then I thought about it. How many other places look and feel exactly as they did 20, 30, or 40 years ago? Banks don't. Hospitals don't. Grocery stores don't. Maybe the sweet nostalgia I sniffed on those classroom visits was really the odor of stagnation. Since most other institutions in American society have changed dramatically in the past half-century, the stasis of schools is strange. And it's doubly peculiar because school itself is a modern invention, not something we inherited from antiquity.

Through most of history, people learned from tutors or their close relatives. In 19th-century America, says education historian David Tyack, "the school was a voluntary and incidental institution." Not until the early 20th century did public schools as we know them—places where students segregated by age learn from government-certified professionals—become widespread. And not until the 1920s did attending one become compulsory. Think about that last fact a moment. Compared with much of the world, America is a remarkably hands-off land. We don't force people to vote, or to work, or to serve in the military. But we do compel parents to relinquish their kids to this institution for a dozen years, and threaten to jail those who resist.

Compulsory mass schooling is an aberration in both history and modern society. Yet it was the ideal preparation for the Organization Man economy, a highly structured world dominated by large, bureaucratic corporations that routinized the workplace. Compulsory mass schooling equipped generations of future factory workers and middle managers with the basic skills and knowledge they needed on the job. The broader lessons it conveyed were equally crucial. Kids learned how to obey rules, follow orders, and respect authority—and the penalties that came with refusal.

This was just the sort of training the old economy demanded. Schools had bells; factories had whistles. Schools had report card grades; offices had pay grades. Pleasing your teacher prepared you for pleasing your boss. And in either place, if you achieved a minimal level of performance, you were promoted. Taylorism—the management philosophy, named for efficiency expert Frederick Winslow Taylor, that there was One Best Way of doing things that could and should be applied in all circumstances—didn't spend all its time on the job. It also went to class. In the school, as in the workplace, the reigning

theory was One Best Way. Kids learned the same things at the same time in the same manner in the same place. Marshall McLuhan once described schools as "the homogenizing hopper into which we toss our integral tots for processing." And schools made factory-style processing practically a religion—through standardized testing, standardized curricula, and standardized clusters of children. (Question: When was the last time *you* spent all day in a room filled exclusively with people almost exactly your own age?)

So when we step into the typical school today, we're stepping into the past—a place whose architect is Frederick Winslow Taylor and whose tenant is the Organization Man. The one American institution that has least accommodated itself to the free agent economy is the one Americans claim they value most. But it's hard to imagine that this arrangement can last much longer—a One Size Fits All education system cranking out workers for a My Size Fits Me economy. Maybe the answer to the riddle I posed at the beginning is that we're succeeding *in spite of* our education system. But how long can that continue? And imagine how we'd prosper if we began educating our children more like we earn our livings. Nearly 20 years ago, a landmark government report, *A Nation at Risk*, declared that American education was "being eroded by a rising tide of mediocrity." That may no longer be true. Instead, American schools are awash in a rising tide of irrelevance.

Don't get me wrong. In innumerable ways, mass public schooling has been a stirring success. Like Taylorism, it has accomplished some remarkable things—teaching immigrants both English and the American way, expanding literacy, equipping many Americans to succeed beyond their parents' imaginings. In a very large sense, America's schools have been a breathtaking democratic achievement.

But that doesn't mean they ought to be the same as they were when we were kids. Parents and politicians have sensed the need for reform, and have pushed education to the top of the national agenda. Unfortunately, few of the conventional remedies—standardized testing, character training, recertifying teachers—will do much to cure what ails American schools, and may even make things worse. Free agency, though, will force the necessary changes. Look for free agency to accelerate and deepen three incipient movements in education—home schooling, alternatives to traditional high school, and new approaches to adult learning. These changes will prove as pathbreaking as mass public schooling was a century ago.

The Home-Schooling Revolution

"School is like starting life with a 12-year jail sentence in which bad habits are the only curriculum truly learned." Those are the words of John Taylor Gatto, who was named New York state's Teacher of the Year in 1991. Today he is one of the most forceful voices for one of the most powerful movements in American education—home schooling. In home schooling, kids opt out of traditional school to take control of their own education and to learn with the help of parents, tutors, and peers. Home schooling is free agency for the under-18 set. And it's about to break through the surface of our national life.

As recently as 1980, home schooling was illegal in most states. In the early 1980s, no more than 15,000 students learned this way. But Christian conservatives, unhappy with schools they considered God-free zones and eager to teach their kids themselves, pressed for changes. Laws fell, and home schooling surged. By 1990, there were as many as 300,000 American homeschoolers. By 1993, home schooling was legal in all 50 states. Since then, home schooling has swum into the mainstream—paddled there by secular parents dissatisfied with low-quality, and even dangerous, schools. In the first half of the 1990s, the home-schooling population more than doubled. Today some 1.7 million children are home-schoolers, their ranks growing as much as 15 percent each year. Factor in turnover, and one in 10 American kids under 18 has gotten part of his or her schooling at home.

Home schooling has become perhaps the largest and most successful education reform movement of the last two decades:

■ While barely 3 percent of American schoolchildren are now home-schoolers, that represents a surprisingly large dent in the public school monopoly—especially compared with private schools. For every four kids in private school, there's one youngster learning at home. The home-schooling population is roughly equal to all the school-age children in Pennsylvania.

■ According to *The Wall Street Journal*, "Evidence is mounting that home-schooling, once confined to the political and religious fringe, has achieved results not only on par with public education, but in some ways surpassing it." Homeschooled children consistently score higher than traditional students on standardized achievement tests, placing on average in the 80th percentile in all subjects.

■ Home-schooled children also perform ex-

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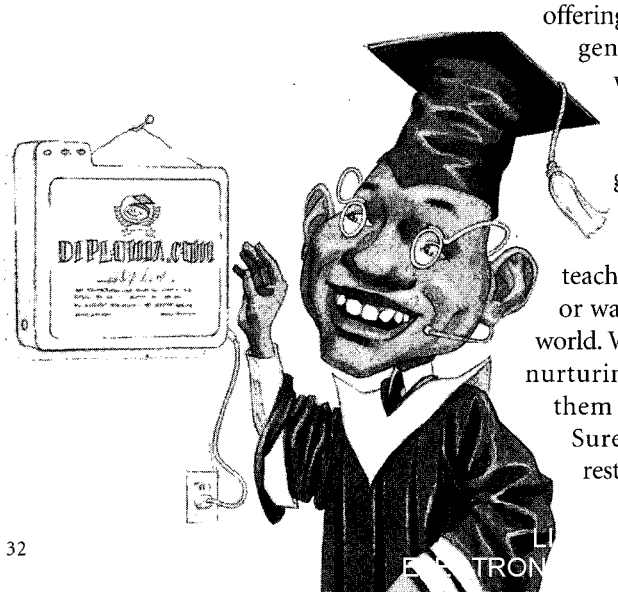
tremely well on nearly all measures of socialization. One of the great misconceptions about home schooling is that it turns kids into isolated loners. In fact, these children spend more time with adults, more time in their community, and more time with children of varying ages than their traditional-school counterparts. Says one researcher, "The conventionally schooled tended to be considerably more aggressive, loud, and competitive than the home educated."

"Home schooling," though, is a bit of a misnomer. Parents don't re-create the classroom in the living room any more than free agents re-create the cubicle in their basement offices. Instead, home schooling makes it easier for children to pursue their own interests in their own way—a My Size Fits Me approach to learning. In part for this reason, some adherents—particularly those who have opted out of traditional schools for reasons other than religion—prefer the term "unschooling."

The similarities to free agency—having an "unjob"—are many. Free agents are independent workers; home-schoolers are independent learners. Free agents maintain robust networks and tight connections through informal groups and professional associations; home-schoolers have assembled powerful groups—like the 3,000-family Family Unschoolers Network—to share teaching strategies and materials and to offer advice and support. Free agents often challenge the idea of separating work and family; home-schoolers take the same approach to the boundary between school and family.

Perhaps most important, home schooling is almost perfectly consonant with the four animating values of free agency: having freedom, being authentic, putting yourself on the line, and defining your own success. Take freedom. In the typical school, children often aren't permitted to move unless a bell rings or an adult grants them permission. And except for a limited menu of offerings in high school, they generally can't choose what to study or when to study it. Home-schoolers have far greater freedom. They learn more like, well, children. We don't teach little kids how to talk or walk or understand the world. We simply put them in nurturing situations and let them learn on their own. Sure, we impose certain restrictions. ("Don't walk in the middle of the street.") But we don't go crazy. ("Please practice talking for 45 minutes until a bell rings.") It's the same for home-schoolers. Kids can become agents of their own education rather than merely recipients of someone else's noble intentions.



Imagine a 5-year-old child whose current passion is building with Legos. Every day she spends up to an hour, maybe more, absorbed in complex construction projects, creating farms, zoos, airplanes, spaceships. Often her friends come over and they work together. No one assigns her this project. No one tells her when and how to do it. And no one will give her creation a grade. Is she learning? Of course. This is how many home-schoolers explore their subjects.

Now suppose some well-intentioned adults step in to teach the child a thing or two about Lego building. Let's say they assign her a daily 45-minute Lego period, give her a grade at the end of each session, maybe even offer a reward for an A+ building. And why not bring in some more 5-year-olds to teach them the same things about Legos? Why not have them all build their own 45-minute Lego buildings at the same time, then give them each a letter grade, with a prize for the best one? My guess: Pretty soon our 5-year-old Lego lover would lose her passion. Her buildings would likely become less creative, her learning curve flatter. This is how many conventional schools work—or, I guess, *don't work.*

The well-meaning adults have squelched the child's freedom to play and learn and discover on her own. She's no longer in control. She's no longer having fun. Countless studies, particularly those by University of Rochester psychologist Edward L. Deci, have shown that kids and adults alike—in school, at work, at home—lose the intrinsic motivation and the pure joy derived from learning and working when somebody takes away their sense of autonomy and instead imposes some external system of reward and punishment. Freedom isn't a detour from learning. It's the best pathway toward it.

Stay with our Lego lass a moment and think about authenticity—the basic desire people have to be who they are rather than conform to someone else's standard. Our young builder has lost the sense that she is acting according to her own true self. Instead, she has gotten the message. You build Legos for the same reason your traditionally employed father does his work assignments: because an authority figure tells you to.

Or take accountability. The child is no longer fully accountable for her own Lego creating. Whatever she has produced is by assignment. Her creations are no longer truly hers. And what

about those Lego grades? That A+ may motivate our girl to keep building, but not on her own terms. Maybe she liked the B- building better than the A+ creation. Oh well. Now she'll probably bury that feeling and work to measure up—to someone else's standards. Should she take a chance—try building that space shuttle she's been dreaming about? Probably not. Why take that risk when, chances are, it won't make the grade? Self-defined success has no place in this regime. But for many home-schoolers, success is something they can define themselves. (This is true even though, as I mentioned, home-schoolers score off the charts on conventional measures of success—standardized tests in academic subjects.)

To be sure, some things most kids should learn are not intrinsically fun. There are times in life when we must eat our Brussels sprouts. For those subjects, the punishment-and-reward approach of traditional schooling may be in order. But too often, the sheer thrill of learning a new fact or mastering a tough equation is muted when schools take away a student's sense of control. In home schooling, kids have greater freedom to pursue their passions, less pressure to conform to the wishes of teachers and peers—and can put themselves on the line, take risks, and define success on their own terms. As more parents realize that the underlying ethic of home schooling closely resembles the animating values of free agency, home schooling will continue to soar in popularity.

Free Agent Teaching

Several other forces will combine to power home schooling into greater prominence. One is simply the movement's initial prominence. As more families choose this option, they will make it more socially acceptable—thereby encouraging other families to take this once-unconventional route. The home-schooling population has already begun to look like the rest of America. While some 90 percent of home-schoolers are white, the population is becoming more diverse, and may be growing fastest among African Americans. And the median income for a home-school family is roughly equal to the median income for the rest of the country; about 87 percent have annual household incomes under $75,000.

Recent policy changes—in state legislatures and principals' offices—will further clear the way. Not only is home schooling now legal in every state, but many public schools have begun letting home-schoolers take certain classes or play on school teams. About two-thirds of American colleges now accept transcripts prepared by parents, or portfolios assembled by students, in lieu of an accredited diploma.

Another force is free agency itself. Thanks to flexible schedules and personal control, it's easier for free agents than for traditional employees to home-school their children. Free agents will also become the professionals in this new world of learning. A carpenter might hire herself out to teach carpentry skills to home-schoolers. A writer might become a tutor or editor to several home-schoolers interested in producing their own literary journal. What's more, the huge cadre of teachers hired to teach the baby boom will soon hit retirement age. However, perhaps instead of fully retiring, many will hire themselves out as itinerant tutors to home-schoolers—and begin part-time careers as free agent educators. For many parents, of course, the responsibility and time commitment of home schooling will be daunting. But the wide availability of teachers and tutors might help some parents overcome the concern that they won't be able to handle this awesome undertaking by themselves.

The Internet makes home schooling easier, too. Indeed, home-schoolers figured out the Internet well before most Americans. For example, my first Internet connection was a DOS-based Compuserve account I acquired in 1993. Before the wide acceptance of the Internet and the advent of the World Wide Web, the most active discussion groups on Compuserve were those devoted to home schooling. Using the Web, home-schoolers can do research and find tutors anywhere in the world. There are now even online ventures—for instance, the Christa McAuliffe Academy (www.cmacademy.org) in Washington state and ChildU.com in Florida—that sell online courses and provide e-teachers for home-schoolers. Physical infrastructure might also accelerate this trend. Almost three-fourths of America's public school buildings were built before 1969. School administrations might be more likely to encourage some amount of home schooling if that means less strain on their crowded classrooms and creaky buildings.

I don't want to overstate the case. Home schooling, like free agency, won't be for everyone. Many parents won't have the time or the desire for this approach. And home schooling won't be for all time. Many students will spend a few years in a conventional school and a few years learning at home—just as some workers will migrate between being a free agent and holding a job. But home schooling is perhaps the most robust expression of the free agent way outside

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the workplace, making its continued rise inevitable.

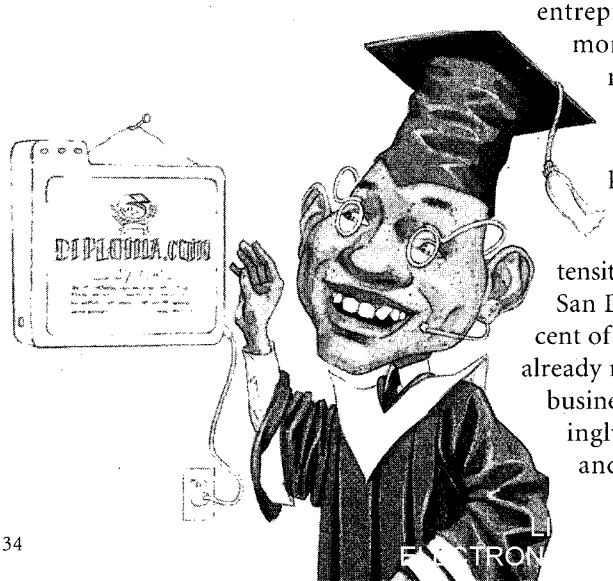
The End of High School

One other consequence of the move toward home schooling will be something many of us wished for as teenagers: the demise of high school. It wasn't until the 1920s that high school replaced work as the thing most Americans did in their teens. "American high school is obsolete," says Bard College president Leon Botstein, one of the first to call for its end. He says today's adolescents would be better off pursuing a college degree, jumping directly into the job market, engaging in public service, or taking on a vocational apprenticeship. Even the National Association of Secondary School Principals, which has blasted home schooling, concedes that "high schools continue to go about their business in ways that sometimes bear startling resemblance to the flawed practices of the past."

In the future, expect teens and their families to force an end to high school as we know it. Look for some of these changes to replace and augment traditional high schools with free-agent-style learning—and to unschool the American teenager:

■ *A renaissance of apprenticeships.* For centuries, young people learned a craft or profession under the guidance of an experienced master. This method will revive and expand to include skills like computer programming and graphic design. Imagine a 14-year-old taking two or three academic courses each week, and spending the rest of her time apprenticing as a commercial artist. Traditional high schools tend to separate learning and doing. Free agency makes them indistinguishable.

■ *A flowering of teenage entrepreneurship.* Young people may become free agents even before they get their driver's licenses—and teen entrepreneurs will become more common. Indeed, most teens have the two crucial traits of a successful entrepreneur: a fresh way of looking at the world and a passionate intensity for what they do. In San Diego County, 8 percent of high school students already run their own online business. That will increasingly become the norm and perhaps even become a teenage rite of passage.



■ *A greater diversity of academic courses.* Only 16 states offer basic economics in high school. That's hardly a sound foundation for the free agent workplace. Expect a surge of new kinds of "home economics" courses that teach numeracy, accounting, and basic business.

■ *A boom in national service.* Some teenagers will seek greater direction than others and may want to spend a few years serving in the military or participating in a domestic service program. Today, many young people don't consider these choices because of the pressure to go directly to college. Getting people out of high school earlier might get them into service sooner.

■ *A backlash against standards.* A high school diploma was once the gold standard of American education. No more. Yet politicians seem determined to make the diploma meaningful again by erecting all sorts of hurdles kids must leap to attain one—standardized subjects each student must study, standardized tests each student must pass. In some schools, students are already staging sit-ins to protest these tests. This could be American youth's new cause célèbre. ("Hey hey, ho ho. Standardized testing's got to go.")

Most politicians think the answer to the problems of high schools is to exert more control. But the real answer is *less* control. In the free agent future, our teens will learn by less schooling and more doing.

The Unschooling of Adults

For much of the 20th century, the U.S. depended on what I call the Thanksgiving turkey model of education. We placed kids in the oven of formal education for 12 years, and then served them up to employers. (A select minority got a final, four-year basting at a place called college.) But this model doesn't work in a world of accelerated cycle times, shrinking company half-lives, and the rapid obsolescence of knowledge and skills. In a free agent economy, our education system must allow people to learn throughout their lives.

Home schooling and alternatives to high school will create a nation of self-educators, free agent learners, if you will. Adults who were home-schooled youths will know how to learn and expect to continue the habit throughout their lives.

For example, how did anybody learn the Web? In 1993, it barely existed. By 1995, it was the foundation of dozens of new industries and an explosion of wealth. There weren't any college classes in Web programming, HTML coding, or Web page design in those early years. Yet some-

how hundreds of thousands of people managed to learn. How? They taught themselves—working with colleagues, trying new things, and making mistakes. That was the secret to the Web's success. The Web flourished almost entirely through the ethic and practice of self-teaching. This is not a radical concept. Until the first part of this century, most Americans learned on their own—by reading. Literacy and access to books were an individual's ticket to knowledge. Even today, according to my own online survey of 1,143 independent workers, "reading" was the most prevalent way free agents said they stay up-to-date in their field.

In the 21st century, access to the Internet and to a network of smart colleagues will be the ticket to adult learning. Expect more of us to punch those tickets throughout our lives. Look for these early signs:

■ *The devaluation of degrees.* As the shelf life of a degree shortens, more students will go to college to acquire particular skills than to bring home a sheepskin. People's need for knowledge doesn't respect semesters. They'll want higher education just in time—and if that means leaving the classroom before earning a degree, so be it. Remember: Larry Ellison, Steve Jobs, and Steven Spielberg never finished college.

■ *Older students.* Forty percent of college students are now older than 25. According to *The Wall Street Journal*, "By some projections, the number of students age 35 and older will exceed those 18 and 19 within a few years." Young adults who do forgo a diploma in their early 20s may find a need and desire for college courses in their 40s.

■ *Free agent teaching.* Distance learning (private ventures like the University of Phoenix, Unext, Ninth House Network, and Hungry Minds University) will help along this self-teaching trend. Today, some 5,000 companies are in the online education business. Their $2 billion of revenues is expected to hit $11 billion by 2003. And nontraditional teaching arrangements will abound. One lament of independent scholars—genre-straddling writers like Judith Rich Harris and Anne Hollander—is that they don't have students. Here's a ready supply. More free agent teachers and more free agent students will create tremendous liquidity in the learning market—with the Internet serving as the matchmaker for this new marketplace of learning.

■ *Big trouble for elite colleges.* All this means big trouble in Ivy City. Attending a fancy college serves three purposes in contemporary life: to prolong adolescence, to award a credential that's modestly useful early in one's working life, and to give people a network of friends. Elite colleges have moved slowly to keep up with the emerging free agent economy. In 1998, 78 percent of public four-year colleges offered distance-learning programs, compared with only 19 percent of private schools. Private college costs have soared, faster even than health care costs, for the past 20 years. But have these colleges improved at the same rate? Have they improved at all? What's more, the students who make it to elite colleges are generally those who've proved most adroit at conventional (read: outdated) schooling. That could become a liability rather than an advantage. In his bestseller, *The Millionaire Mind*, Thomas J. Stanley found a disproportionately large number of millionaires were free agents—but that the higher somebody's SAT scores, the *less* likely he or she was to be a financial risk-taker and therefore to become a free agent.

■ *Learning groupies.* The conference industry, already hot, will continue to catch fire as more people seek gatherings of like-minded souls to make new connections and learn new things. Conferences allow attendees to become part of a sort of Socratic institution. They can choose the mentor they will pay attention to for an hour, or two hours, or a day—whatever. In addition, many independent workers have formed small groups that meet regularly and allow members to exchange business advice and offer personal support. These Free Agent Nation Clubs, as I call them, also provide an important staging ground for self-education. At F.A.N. Club meetings, members discuss books and articles and share their particular expertise with the others. This type of learning—similarly alive in book clubs and Bible study groups—represents a rich American tradition. One of the earliest self-organized clusters of free agents was Benjamin Franklin's Junto, formed in 1727, which created a subscription library for its members, which in turn became the first public library in America.

The next few decades will be a fascinating, and perhaps revolutionary, time for learning in America. The specifics will surprise us and may defy even my soundest predictions. But the bottom line of the future of education in Free Agent Nation is glaringly clear: School's out.

Daniel H. Pink (dan@freeagentnation.com) is a contributing editor to Fast Company. *This article is from his book* Free Agent Nation: How America's New Independent Workers Are Transforming the Way We Live. *Copyright © 2001 by Daniel H. Pink. Reprinted by permission of Warner Books Inc., New York, NY. All rights reserved.*

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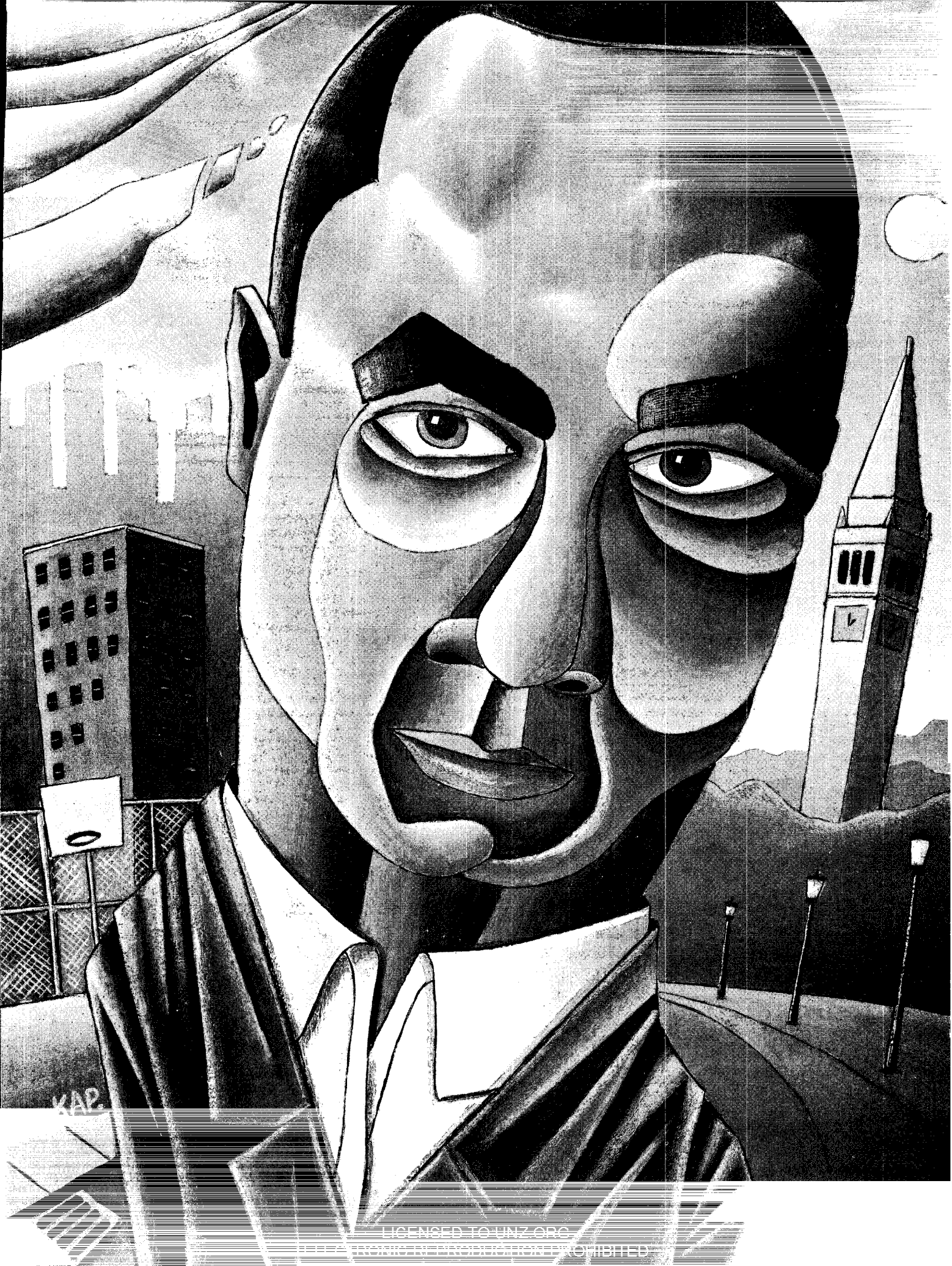

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Internal Constraints

John McWhorter, author of the controversial *Losing the Race,* on what's really holding African Americans back.

Interviewed by Cathy Young and Michael W. Lynch

Few nonfiction books have had as immediate an impact on public debate as John H. McWhorter's *Losing the Race: Self-Sabotage in Black America.* Published last year by The Free Press, McWhorter's volume on race relations has won raves ("the importance of...*Losing the Race* is difficult to overstate" said the *Weekly Standard*) and attacks ("analytically weak...[and] irresponsible" said Harvard Law School's Randall L. Kennedy). Whatever one's opinion of it, *Losing the Race* has become one of the most discussed books on the topic of race relations in recent years.

The genesis of McWhorter's book lies in his first childhood memory. It was 1968 and playtime in West Mount Airy, an integrated Philadelphia neighborhood. "A group of black kids, none older than eight, asked me how to spell *concrete,*" writes McWhorter. "I spelled it, only to have the 8-year-old bring his little sister to me and have her smack me repeatedly as the rest of the kids laughed and egged her on. From then on, I was often teased in the neighborhood for being 'smart.'"

McWhorter managed to overcome the teasing, even if he was never really able to leave it behind. Educated at Rutgers and Stanford, he is, at 36, a tenured linguistics professor at the University of California at Berkeley, an accomplished actor in Bay Area theater, and, since the publication of his book a year ago, a huge (if controversial) hit on the lecture, panel, and cocktail party circuit. He's plenty confident that he's smart, and always has been. "When I was five years old," McWhorter says over a glass

JAMIE KAPTAIN

of wine in a hotel bar separated from the White House only by Lafayette Park, "I thought I was smarter than my teachers—my white teachers—and I would tell them so." (Perhaps it was a teacher who put the neighborhood children up to the slapping.)

He's also plenty confident that most other black Americans are smart. It disappoints him that they don't express their intelligence by achieving in school. "In 1995," McWhorter writes, "exactly 184 black students in the United States scored over 700 on the verbal portion of the SAT—not even enough to fill a passenger plane."

The problem, argues McWhorter, is not a lack of black brain power or an excess of white racism. Rather, it's a dysfunctional black culture. Not just a "ghetto culture" that derides intellectual achievement, he insists, but mainstream, middle-, and even upper-class black culture. McWhorter identifies three self-destructive elements in contemporary black America: victimology, separatism, and anti-intellectualism. He spends 260 pages fleshing out these concepts, claiming the trio combine to keep black Americans from being the best they can be.

Many liberal academics and commentators have pilloried McWhorter. The criticism has been particularly strong among black liberals. *Time* columnist Jack E. White, for instance, disparaged McWhorter as "a hero for the black-bashing crowd," and accused him of peddling simplistic and damaging stereotypes. Other black columnists allow that he's on to something. In the *Chicago Tribune*, Clarence Page wrote that McWhorter "hits the mark so often that I think we African-Americans can ignore him only at our peril—especially we African-American parents."

REASON columnist Cathy Young and national correspondent Michael Lynch sat down for an interview with McWhorter in June at the Hays-Adams Hotel in Washington, D.C., when he was in town to speak at a conference of the conservative group Empower America.

REASON: Can you summarize the thesis of *Losing the Race*?

John McWhorter: Since the 1960s, black Americans have been encouraged to work under the misperception that residual racism is an obstacle to advancement. Racism remains in America, but in most cases, it is not an obstacle to people being the best that they can be. There is a cult of victimology that claims we remain victims on some cosmic level until there is no racism in any white person's heart or any instances of discrimination of any kind. That leads to a sense that being black is a thing apart from being a human being in the United States. That's what I call the cult of separatism, and the sense that black people are subject to different rules and the sense that black people are germane to certain subjects and not to others.

The separatism finally leads to the anti-intellectualism, a cultural disconnect from the school endeavor. Anti-intellectualism is, of course, an American problem. But with black people, there is a sense that knowledge for knowledge's sake is a "white" thing. Therefore, you're not culturally authentic as a black if you engage in it. This is why African-American students, regardless of class, tend to not do as well as others do on tests and in grades.

REASON: You say that racism isn't an overriding obstacle. Do you think that white Americans underestimate the level of racism that still exists in American society?

McWhorter: Yes. It dismays me to hear some whites say, "What do blacks have left to be complaining about? Slavery ended 150 years ago." Certainly that's not right. I talk about the subtle forms of racism in my book: Every time anybody tells me I'm articulate, it's technically racism, because I would not be told that if I were white. What they mean is, "Blacks don't speak well, and you sound just like us."

REASON: What about writers like Ellis Cose who document the daily indignities and make them the centerpiece of the black experience? Do you think there's anything helpful in that or is it self-sabotage to talk about this?

McWhorter: The things Ellis Cose describes in his book *The Rage of a Privileged Class* are real and they should be documented. My problem is that there is a kind of orthodoxy among most black writers and thinkers that what Ellis Cose talks about is the *main* thing that we ought to be talking about. If you look at what black people considered important to talk about 75 years ago, they were interested in talking about progress and uplift and what they could achieve despite the obstacles.

Today, there is such a defeatist message based on all those indignities that Cose talks about. So, for example, let's say you're a black man in Manhattan trying to hail a cab uptown at midnight and a cab doesn't stop. Frankly, I believe that if something like that happens to you about once every two months, there are many white people much, much, worse off than you. I've been told this is a frivolous comparison, but I don't think so: I often think about a white person who weighs 300 pounds. For me that's a life in hell. The indignities that that person endures every day—sitting in a seat, the teas-

ing as they walk down the street. I can honestly say that 100 years ago, even a 300-pound white person was better off than any black person. Today that is not true.

REASON: You talk about a "cultural disconnect" from formal learning. How can public policy address this?

McWhorter: I think one of the things that would help most would be school vouchers. Small schools with concentrated, innovative teaching have been shown to get through to black children. Although the possibility of getting all black kids into schools like that has never been great, we need to get as many black kids as possible into schools like that.

REASON: Most polls show huge support among blacks for vouchers and school choice. Yet you contend that blacks don't particularly value book-learning and education. Is there a paradox here?

McWhorter: If anything, black people value education more highly than white people because there is a sense that we are a culture climbing upward. The anti-intellectualism among blacks is more subtle. It's what happens once students are in school. Black parents value that you go get a degree, that you go get earning power, and maybe that you go be a historian or whatever. But the cultural dynamic senses *learning* as something that other people do, so there is kind of a block on engaging it on that more intimate level.

REASON: These traits—treating education as a means to an end—probably aren't limited to the black culture. Have you looked at other cultures?

McWhorter: The Irish were known to be anti-intellectual people before they became "white." That's a universal American quality. Black culture is different in that skepticism about pointy heads extends into the upper class. It all comes back to the fact that on average in 1995, among black students whose parents made $70,000 a year or more and had at least one master's degree or above, SAT scores were lower than the SAT scores of children from white families making no more than $10,000. That's scary. That's a really scary statistic. That's the problem.

REASON: Are you aware of the "stereotyping anxiety" research done by psychologist Claude Steele? He finds that if test-taking is preceded by positive messages, then black children do better.

McWhorter: It's an interesting hypothesis but I'm not sure how important that observation is. One reason is that it has been shown that women suffer from the same stereotype threat and yet girls are ahead in schools. One thing that I have never seen that research address is the extent to which actual tests and schoolwork in the real world present the stereotype threat. It's not so much that black kids are very threatened by school. It's that there is a sense in the black identity that school is an alien realm. It's not so much that it's seen as threatening, but that it's seen as something apart from what you regard as your essence.

There is a sense that to embrace school in a real way would be a step outside of your identity. Or better, your identity is one that does not condition you to embrace knowledge that doesn't have to do wholeheartedly with black people. You have to remember that stereotype-threat analysis is so appealing in the education community because it's a victim-based approach.

That doesn't automatically render it untrue, but it's interesting to think about what Claude Steele proposes as the solution, to the extent that he really indulges in talking about solutions: He advocated the setting of high standards. His idea is to let black children know that you expect the best of them. Doesn't that mean that affirmative action is not really a very good idea?

REASON: Not just affirmative action but race-conscious policies in general, because it appears that when you remind people of racial issues, it brings out the stereotype anxiety.

McWhorter: You're black. You're different. You're a victim. We think you can't do it, so we're making things different for you.

REASON: You support racial preferences in business but oppose it in education. Why?

McWhorter: Affirmative action is good when it redresses racism. That's why affirmative action was good in 1965. Affirmative action in business can counteract the tendency for sometimes-subtle cultural conflicts, or the "birds of a feather" phenomenon that can deny people promotions or even jobs in the first place. I think there is still room for discrimination to operate in places such as Coca-Cola, with it not having to be anybody's intention. So the idea of racial preferences is not anathema to me. But I do consider it to be chemotherapy: It's something that creates as much harm as good and you withdraw it the minute that you've gotten rid of the main symptoms. In education, that happened 15 years ago. In the world of business, I don't think that we're there yet.

REASON: The justification for affirmative action has shifted from a remedial project to a diversity project, ensuring that racial and ethnic groups are represented at certain elite institutions. Doesn't this mean it's more important in higher education?

McWhorter: Diversity is nice, but it cannot be weighted above competence. The diversity rationale was created as a kind of fig leaf. Basically, I think we can sacrifice diversity, which is a rather weak concept anyway, because we have a very selective sense of what kind of diversity we want.

"Diversity is nice, but it cannot be weighted above competence. The diversity rationale was created as a kind of fig leaf. Basically, I think we can sacrifice diversity, which is a rather weak concept."

"A lot of conservatives don't realize that black people have things to complain about. The idea that black people need to 'just get over it' is an idea that I can't quite handle."

REASON: Doesn't it worry you that if elite schools stop picking by race, there would be a large decline in the number of black students attending those institutions?

McWhorter: If all schools quit using race as an admissions criterion, there would be a bleak 10 years where there would not be as many black kids on elite campuses as we might like. There would still be a good number, though. It's not as if black students are so utterly, uniformly awful that Harvard could not find any black students for its freshman class. Yes, the numbers will fall. But during that 10 years, word would get out in the black community and in the education community that black kids have to do as well as everybody else. Black people have shown that they can rise to any obstacle. We're not allowed to rise to any obstacle when it comes to academics. We're always given these lowered bars.

REASON: What about the argument that if you repeal racial preferences there will be an even greater dilution of standards as college administrators push to eliminate SAT scores and admit everyone from the top 10 percent of high schools?

McWhorter: It's very troubling, and it's going to happen. Admitting every student in the top 4 percent or top 10 percent or whatever is not an ideal policy. But at least you would have a situation where every black kid on campus can say they are on campus because they were the best among the people with whom they went to school. The SAT is a valid, if partial, measure of a person's preparation for a school.

If Berkeley and the University of California abolish the SAT, I would resign. It's so clear that the only reason UC President Richard Atkinson even proposed the idea is because he can't bear to see minority students actually challenged to do as well as everyone else.

REASON: You have taken advantage of affirmative action in your career, from fellowships to job offers. Why criticize it now?

McWhorter: There was a juncture in my life where I did use affirmative action to get a postdoctoral fellowship that got my foot in the door at Berkeley. It was a decision I made at a time when I was much less politicized than I am now. You evolve as time goes by. It was also a time when my back was up against a wall because of a very narrow job market. I look back on it and I realize that it diminishes my sense of accomplishment. I defend my right to question the policy after having gone through it. The "pulling in the ladder" argument is actually a rather nihilistic one, because any black person who got anywhere in life has been affected by affirmative action.

REASON: What changes have you noticed at Berkeley since racial preferences were abolished throughout the UC system in 1996?

McWhorter: The black kids are just as qualified—or sometimes, *unqualified*—as the white and Asian students. They are exactly the same. There is no longer a two-caste system at Berkeley, where the black and Latino students are obviously of lower preparation and lower caliber than the white and the Asian students.

REASON: You write a lot about how some African Americans are "culturally black," and others are not. What does it mean to be culturally black?

McWhorter: One, your speech reflects the conglomeration of traits linguists call black English. At the very least, you could be identified as black over the phone. Two, devout Christianity is central to black culture. Three, you sense residual racism as an obstacle to advancement. Today, that is a keystone to having what is a proper "black" identity.

REASON: You report problems with culturally black students regardless of their class and family background. What is your experience with black students who are culturally white?

McWhorter: Black students who are culturally white generally do not have the kind of disconnect from learning that I see in other blacks. Black students who are culturally black yet who are sailing through school are almost invariably people with Caribbean or African parents.

REASON: You've largely been rejected by black academics and intellectuals. The novelist Ishmael Reed, who also teaches at Berkeley, has even called you a "rent-a-black." You've been embraced by the conservative establishment. What's your reaction to that?

McWhorter: In terms of a great many other things, I am a very leftist person. I have a natural sense of ambivalence when I'm embraced by card-carrying white conservatives. I have to keep telling myself that I do believe a lot of what they believe and they are human beings. However, a lot of conservatives don't realize that black people have things to complain about. The idea that black people need to "just get over it" is an idea that I can't quite handle. Despite all of the huffing and puffing in *Losing the Race*, a lot of what I was trying to do is make clear that this is where black people are coming from. That's why I have a long section about racism and the black experience.

REASON: Do you ever find that you are invited to be the only black voice on a panel? To be a token, essentially?

McWhorter: There are often other black people present. The event I attended today for Empower America is actually the only thing I've done where I was the *only* black. This event was definitely Token Black City. I don't have any ambivalence about it.

If conservatives need to show their message is not anti-black, and I believe very often it isn't, and if one way they want to show that is by having a black person be in their company, I don't consider that to be discrimination. "Token black" is a term that we've heard so long that we don't always think about the meaning anymore. It's not that they don't want me there. It's not that they don't agree with what I'm saying. It's that they want to show that they are not anti-black. And if they are not, then I consider myself to be doing a service by appearing.

REASON: You voted for Ralph Nader.

McWhorter: I did.

REASON: Yet you recommend in a piece for the conservative *City Journal* that blacks, who vote Democrat in overwhelming numbers, ought to give Republicans a second look. What could the Republican Party possibly do to attract black voters?

McWhorter: One thing and one thing only: Address racial profiling. The situation of young black men in the criminal justice system today is the main obstacle to a general revolution in black America toward the truly progressive ideologies of the past.

Thirty years ago, if you asked black people what the evidence was that racism pervaded the United States, they would have said, "Well, there are no black *thises* and no black *thats*." That's what I heard when I was young. Today, what you hear is, "One out of three young black men are in prison or involved in the criminal justice system." That is a mantra in the black community memorized from the age of 12.

Now, the fact is that in many communities, if you didn't concentrate crime-fighting efforts on young black men, you'd have a community preyed upon by criminals. A little-told story is that in many such communities, the actual residents are clamoring for *more* police enforcement, not less. And it's true that the statistics on profiling tend to be presented in misleading ways in the liberal media.

But those are things for the educated and the pundits to quibble over. Out on the street, there is a sense that the police are set against young black men. It's clear that black men get killed too often by the police. All we need is one generation of black children to grow up in an America where it could not be said that the police are set against young black men.

REASON: So much of racial profiling results from the War on Drugs. Don't we have to get at that as a root cause of prejudicial policing?

McWhorter: I'm afraid to say it in print: I don't think there should be any War on Drugs. It's an utter and complete absurdity, a puritanical holdover. It is one of the shames of the United States in the early 21st century. The real magic bullet would just be to make drugs legal. A lot of crime would go away immediately, that day. But it's also clear that we are not going to legalize drugs. With that reality, we must be pragmatic.

REASON: Libertarians such as Walter Williams and conservatives such as Thomas Sowell argue that it was a mistake for black Americans to place their faith in government as a primary avenue for advancement. They say that it's the market and private sector that offers black people more promise for advancement. Do you have any thoughts on that?

McWhorter: That was not true in 1965. Thomas Sowell is a hero of mine, but it still shocks me to realize he was saying things I'm saying today as early as 1970. That was too soon, I think. But today, they are both dead right. Walter says those things particularly well. The market is cruel, but it can also be extremely beneficial and extremely fair. I think for the vast majority of black Americans today, the solution is neither government in terms of government fixing things for us, nor is it leaders.

REASON: You've written about racial issues and popular culture. Do you think there are serious issues of how blacks are portrayed on television?

McWhorter: None whatsoever at this point. Black people are portrayed on TV in all of their aspects. If you only look at the networks, today that's like analyzing emissions from cars but only looking at General Motors cars. The networks are just a few stations of about 25 you have to look at. That battle has been won. In the movies, there are so many black films that nobody can keep up with them all. I used to see every black film that came out, bad or good, because I thought it was my responsibility. I could not do that now without being an obsessive.

REASON: What are your views on reparations for slavery?

McWhorter: In a nutshell, we already have them. Yes, there should be reparations. They are called welfare, workfare, affirmative action, the Community Reinvestment Act of 1977, every community development corporation that's remaking the ghettoes in our cities, scholarships specifically for black people.

In another universe, all of these could be called reparations. What slavery reparations activist Randall Robinson and the gang want is more stuff—although you notice that they tend not to be able to specify what the stuff is going to be besides identifying companies that profited from slavery. They want more stuff specifically labeled as reparations so that white America will acknowledge what happened with slavery. I think white America already did acknowledge that.

Reef Madness

How Alabama fishermen are repopulating the sea.

By Ronald Bailey

Ecologically speaking, Alabama is one of the least likely locations for a thriving game-fish population, or "fishery" in the technical jargon. The very same sparkling white sands that attract sun worshipers to the Camellia State's Gulf Coast stretch for scores of miles offshore. For game fish, that featureless sandy bottom is an underwater desert that provides little food or shelter.

Yet the waters just off Alabama boast one of the nation's most robust red snapper populations. Comprising just 5 percent of the Gulf of Mexico's U.S. coastline, Alabama's tiny section of beachfront nonetheless produces between 30 and 40 percent of all the red snapper recreationally caught in the Gulf. Precisely how this came to be is no accident of nature: It is a testament to human ingenuity and innovation—and it provides one model for repopulating the planet's rapidly depleting fisheries.

What is Alabama's secret? Artificial reefs.

The state's gulf waters are home to the largest concentration of artificial reefs in the world. The reefs act as fish nurseries, creating populations in an otherwise barren seascape. Nearly 14,000 artificial reefs have been placed in a 1,200 square-mile area off two major tourist towns, Orange Beach and Gulf Shores, which are visited regularly by game-fishers looking to reel in a prize catch. The Orange Beach Chamber of Commerce estimates that its game-fishing charter fleet of more than 100 boats pumps around $90 million a year into the local economy. "It's a very, very successful program," says Robert Shipp, head of the Marine Sciences Department at the University of Alabama at Mobile.

Fishers learned long ago that they could find fish living around shipwrecks and other underwater debris. Beginning in 1953, the state of Alabama officially permitted fishers to make their own sea-floor structures by dumping things like car bodies, old tires, refrigerators, clothes washers, and even shopping carts offshore. It worked. "I often say scientists just kind of follow fishermen and put a little stamp of approval on the common sense that the fishermen have developed over the years," says Hal Osburn, director of the Coastal Fisheries Division at the Texas Department of Parks and Wildlife. "Without the artificial reefs in Alabama, we wouldn't have any fish to fish," says David Walter of The Reefmaker, a company that manufactures, sells, and deploys artificial reefs.

The new generation of artificial reefs avoids the downside to using "materials of opportunity"—the junked cars and the shopping carts used 40 years ago.

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Shrimpers' nets often were destroyed by being dragged across unmarked reefs. (The shrimpers complained, and in 1987 the Alabama Department of Conservation and Natural Resources worked with the U.S. Army Corps of Engineers, which has jurisdiction over coastal waters, to designate a large permit area for artificial-reef creation.) Another problem with using junk for reefs is that salt water corrodes and destroys many structures within just a few years. Storms would regularly wash remnants of car bodies and old tires up on Alabama's beaches, annoying tourists and locals dependent on tourists. The problem became so unsightly that in 1997 Alabama banned the use of junk and scrap for artificial reefs. That action spurred entrepreneurs such as Reefmaker's Walter to develop a wide variety of purpose-made artificial reefs, most often of molded concrete.

Nowadays, Alabama's charter fishing boat captains and some local community groups buy and deploy specially designed concrete artificial reefs. For example, Reefball designs a popular reef in the shape of a hollow concrete ball riddled with holes. Artificial Reefs makes hollow concrete pyramids with triangular holes. The Reefmaker builds pyramidal structures that incorporate old tires. Individual reefs cost between $250 and $750, depending on size, and the price usually includes the cost of dropping them into place out in the Gulf. Since boat captains want to make sure that their clients enjoy successful fishing trips, they often invest upwards of $10,000 and $20,000 annually to buy and deploy purpose-made reefs.

Loaves and Fishes

For years, scientists debated whether artificial reefs actually produce more fish or merely attract them to convenient locations where fishers can nab them. Auburn University fisheries professor Stephen Szedlmayer recently conducted a study of the diets of red snapper and grey triggerfish taken from artificial reefs and concluded that "artificial reefs are productive environments" for both species. That is, the reefs actually breed more of those species of fish. Vernon Minton, director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources, agrees that the debate is settled. "We are growing fish here," he insists. "We have some very good published research that shows that in our area we are producing additional biomass of fish. It's a very fair statement to say that the artificial reefs and the program are improving the quality of the environment." The University of Alabama's Shipp thinks so, too: "We're landing eight to 10 times what we did over 100 years ago. I think the increase in population is doubtless because of the reef program."

Such gains mean that the Alabama artificial reef program is important to more than just a local game-fishing industry. Fisheries are being depleted around the world. "At least 60 percent of the world's fisheries are overfished or fished to the limit," declared the World Wildlife Fund in 1998. The United Nations' Food and Agriculture Organization found in its *The State of World Fisheries and Aquaculture 2000* report that 68 percent of the world's fisheries are either fully or over-exploited and that another 10 percent are depleted or recovering from depletion. In short, artificial reefs in Alabama are helping address the problem of overfishing by producing more fish.

So far, so good. The ability of artificial reefs to actually grow the population of fish provides a key part of a possible solution to diminishing global fisheries. But there's also a problem in Alabama and, like the success there, it's one with larger implications. When someone puts a reef on the sea floor, anyone can go and fish over it. People who take the time and expense of buying and deploying the reefs have no guarantee that they will benefit from their efforts.

"They [local fishers] consider it like planting a garden," says Robert Shipp. "They put out their reefs and then they'll go back the next year and harvest their red snapper. But the reefs are put on public bottoms so the only guarantee that

The ability of artificial reefs to actually grow the population of fish provides a key part of a possible solution to diminishing global fisheries.

one has to harvest his garden is the secrecy of the location—and that may disappear because people find these reefs all the time and anybody can fish them legally. They belong to the public."

"I feel like I own the reef out there since I paid for it, had it deployed, and decided where it would go down," says Orange Beach charter boat captain Art Jones. "But in effect I don't own anything that's out there. It's open to everybody out there." He adds, "I've had lots of problems with overfishing on my reefs." Reefmaker's David Walter puts it more bluntly. He says that when people find a reef someone else has put out, "They just rape it. They take every legal-size fish, and it's no good for at least a year."

By contrast, the fishers who deploy reefs have a strong incentive to protect and manage them; they know where the reefs are, and can come back later to catch more fish if they leave some behind to breed and to grow. "We manage the reefs for conservation purposes. We do not take all of the fish from the reef that we can possibly catch," says charter boat owner Jack Murphy. "We catch only a certain amount and then move to another reef. We never clean off a reef."

Scott Bartkowski, the president of Artificial Reefs, a Pensacola, Florida, company, agrees that people who deploy reefs "can keep a good census of how many fish they've harvested off that reef and are better able to control the numbers." He compares that to rogue fishers simply finding somebody else's reef "and literally cleaning it off."

An Uncommon Tragedy

So even Alabama's successful artificial reef program still suffers from the well-documented environmental dynamic known as the "tragedy of the commons." This occurs in situations in which any member of the public has a right to exploit a resource. In such an open-access commons, the incentive is for people to take as much as possible before someone else beats them to it. If a fisher wants to leave some fish in the sea to breed, he doesn't because he knows that the next fisher will likely catch them and sell them, and thus gain all the benefits. In this way, the tragedy of the commons results in the depletion and degradation of the resource.

"The tragedy of the commons is the universal, fundamental problem with almost all fisheries nowadays," explains Shipp. Unlike, say, cattle ranchers, most fishers don't "own" their fish populations. So in order to prevent overfishing by interlopers, Alabama fishers go to a lot of trouble to keep their reefs' locations secret. Using the U.S. Department of Defense's Global Positioning System, which uses satellite signals to determine locations on the earth's surface, fishers can get within a few feet of any reef that they've deployed, and their reefs' GPS coordinates remain closely held secrets. Fishers typically rotate among a number of reefs so that they do not overfish any one of them. Often, if fishers see another boat on the horizon while they are over one of their reefs, they will stop fishing and move on to prevent the other boat from identifying the reef.

What's the solution to overfishing underwritten by the tragedy of the commons? "Ultimately, the privatization of the resource is inevitable," says Shipp. Such privatization, however, means establishing meaningful and enforceable property rights. In the ocean, that seems easier said than done. Yet creating property rights in the ocean is not as far-fetched an idea as it may seem. There are numerous examples of how giving property rights to fishers has dramatically improved the health of ocean ecosystems while at the same time boosting the production of fish.

Michael De Alessi, director of the Center for Private Conservation at the pro-market Competitive Enterprise Institute, points to New Zealand, where fisheries were privatized in 1986. There, fishers get "individual tradeable quotas" (ITQs), which give them secure rights to a percentage of the catch of a particular species of fish. This gives them an incentive to increase the overall size of that species' population; the larger the total population, after all, the more fish they can catch and

Alabama fishers go to a lot of trouble to keep their reefs' locations secret. Using the Global Positioning System, fishers can get within a few feet of any reef that they've deployed.

sell. The fishers achieve this by initially restricting their catches to create a larger, more sustainable breeding population. "When they have secure rights to the fish," says De Alessi, "the fishermen have done a tremendous job of ensuring that the fish are going to be there in the future."

Restoring Balance

In March, the Marine Stewardship Council (MSC), an environmental group based in London, certified the Hoki fishery (the largest and most valuable New Zealand fishery) as "a well-managed and sustainable fishery." The MSC was founded in 1997 by the World Wildlife Fund and Unilever, the European foods and consumer goods giant, as a way to encourage the creation of sustainable fisheries. MSC will certify a fishery only if it meets its standards for the maintenance and reestablishment of healthy populations of targeted fish, as well as standards for the maintenance of the integrity of ecosystems.

Another example of highly successful privatization of marine resources is in the state of Washington, where oyster beds in Willapa Bay are owned outright by the local oyster harvesters. Normally, fishers can't legally own tidelands, but Washington oyster harvesters laid claim to the tidelands before the state joined the union, so they were grandfathered in as private owners. "They have invested a lot in ensuring that the oyster population is healthy, that the water quality is healthy, and that the oyster industry is healthy," says De Alessi. For example, the Willapa Bay oyster growers proved that area pulp mills dumping sulfites into Willapa Bay were harming their oyster beds. As a result, they were able to get legislation passed to protect their property from pulp mill pollution.

Recently there have been signs that the U.S. Congress is waking up to the problems caused by 25 years of public-sector (read: political) management of our nation's fisheries. Sen. Olympia Snowe (R-Maine) has introduced a bill that would begin a move toward privatizing some of America's fisheries, including the red snapper fishery. Her legislation would allow federal regional councils to create systems for issuing "individual fishery quotas." Such IFQs could be issued to individual boat captains, crew members, and individual fishers. However, the bill makes it clear that IFQs would not be property because they could be revoked without compensation at any time, and an IFQ could not be transferred or sold by its holder.

Despite such limitations, CEI's De Alessi is optimistic that the program would be a meaningful start to a true property rights system and with it, help for ailing fisheries. He believes that once IFQs are issued, fishers will figure out covert ways to trade them. De Alessi also expects that within five years there would be a black market in IFQs. Once fishers begin trading IFQs on a black market, De Alessi believes that they will demand to make such transfers legal, thus leading eventually to the full privatization of the fisheries.

In the meantime, The Reefmaker's David Walter points out: "We have leases where people can lease ground to grow oysters. Why can't they lease areas where people could build reefs and harvest fish?" Why not indeed?

The seas have been systematically overfished because of the tragedy of the commons. We've learned that the creation of artificial reefs increases the fish population, but they too will be overfished unless we take the next step of creating some form of ownership of these resources. To be sure, reef manufacturers such as David Walter—and fishers—will gain from privatization. But ultimately everyone will gain if marine ecosystems are made healthier and fish populations thrive.

Ronald Bailey (rbailey@reason.com) is REASON*'s science correspondent. Much of the reporting for this article was done while he was producing a video documentary,* Fish Enough for All, *for the Competitive Enterprise Institute's Center for Private Conservation. The documentary is available online at www.privateconservation.org/case_studies.php?article_id=68.*

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Zoned to Extinction

Overzealous regulation may soon render commercial fishermen a dying breed

By Sean Paige

SCOTT WILCOX

"We've got water coming in!" the captain announced abruptly as he poked a flashlight through a torso-wide hatch to where the Detroit diesels fretfully thrumbled below.

Stunned by the statement, I did a quick assessment of the situation. I was on a small fishing boat a 20-mile swim from the nearest land, Fort Jefferson and the Dry Tortugas. It was the dead of night in seas notorious for their sharks and hull-ripping coral. We were taking on water and, what's more, our depth-finding fathometer was on the fritz, making our proximity to that coral a troubling mystery. Black waves were grabbing hold of the idle craft and pounding on it broadside.

A leaking boat in dark and dangerous seas wasn't my only reason for anxiety, however. The captain was a Key West fisherman—a "conch" in the local vernacular—named Harvey Watkins, whom I'd met the previous day. All I'd really heard about Harvey was that he had once done prison time and might be a little crazy. His mates, Christian and Ramon, were strangers to me as well. And after having watched everyone aboard (including myself) dip into the beer cooler with great frequency all day, my confidence in our collective reflexes and judgment was at ebb tide.

This was a bit more than I'd bargained for when I showed up at Watkins' modest Key West bungalow the day before. I was looking for a story about government regulations that were creating a new endangered species in the southern tip of Florida: commercial fishermen. Watkins, I had heard, was one of the best of a dying breed of "crawfishermen," the area's jargon for lobstermen. He worked the distant and dangerous waters around the Dry Tortugas, which would soon become the site of the nation's largest "no fishing" zone, a disturbing new approach to fisheries management being pushed by federal bureaucrats, environmentalists, and others. This zone represents the boldest step yet toward the creation of a national network of marine wilderness areas,

mandated by an executive order, that may eventually blanket large areas of U.S. coastal waters, depriving both sport and commercial fishers of their most fertile fishing grounds.

The waves continued to pound and I desperately tried to assure myself that this couldn't really be happening. I recalled with bitter amusement that this type of participant-observer reporting is sometimes called "immersion journalism." The captain and his crew (who had hurriedly emerged from the berthing space in nothing but briefs and rubber boots) began moving with amazing efficiency and confidence, quickly clearing away gear from the rectangular coffin lid shielding the boat's flooding bowels.

With practiced precision, Watkins and his crew found and fixed a ruptured engine intake hose that was the source of the problem—one of a hundred acts of grace under pressure I saw the crew exhibit during what was, to them, just another routine haul out to sea. Technically, they're fishermen. But life at sea, I quickly began to appreciate, also requires them to be carpenters, diesel mechanics, electricians, butchers, chemists, medical corpsmen, and short-order cooks.

Spending even a couple of days in their world will make you understand that even the priciest lobster dinner is worth every penny. Quarters on Watkins' 48-foot *Fryde Conch* are spare and impossibly cramped. Life aboard is a constant battle against rust, mildew, and rot. The stench of bait clings even in a stiff breeze. The slop-covered deck pitches wildly, and working on it in high seas is a job for the Wallendas. There are a thousand ways to get slashed, crushed, snagged, speared, or dragged overboard, with no medical help—save for a bottle of Captain Morgan's stashed in the wheelhouse—within easy reach. The boat is a playground for tetanus. Scorpions nest in the rope coils. Competence and sound instincts are a must, because even minor mistakes invite major disaster. It's a difficult life, though men like Watkins love it and want no other.

Those are the unavoidable dangers of a fishing life. What really exercises fishermen like Watkins, he explained to me bitterly in our days together, are the threats from dry land: meddlesome government agencies and litigious environmental groups that have descended on this serene southern Florida archipelago with a vengeance, turning the island chain into arguably the most regulated stretch of real estate in the U.S. Few have been hit harder by the new regime than commercial fishermen, whose presence here has shrunken to a shadow of what it was. Tourists now search old Key West's waterfront in vain for its once-mighty commercial fishing fleet, the remnants of which have been banished to Stock Island—a working class, seedy appendage to Key West where few visitors venture. There, folks like Watkins watch the clock run out on their livelihood, done in by often arbitrary and capricious regulations.

A Sinking Feeling

All Harvey Watkins ever wanted to be was a fisherman. He's a wiry, frenetic man of 51, with hair the color and texture of steel wool and a mustache bleached by decades in the Florida sun. He wears aviator glasses with tinted lenses and speaks in staccato sentences, gesturing wildly and flicking cigarette ashes when he gets wound-up. His accent somehow mixes the bayou and the Bronx, but is neither. Once he gets to know you, you quickly become "bubba," "skipper," "bro," or "brother."

As a kid he learned to build wooden boats under the tutelage of a revered neighbor. By 14, he was taking a skiff out at night and on weekends, glorying in the heyday of Key West's commercial fishing boom. Along the way he has been a lobsterman, a stonecrabber, a long-liner, and, for a brief time in the late 1970s, a marijuana smuggler for Colombia's Escobar clan. The "import business" was unbelievably wide open then. The perks were good and the paydays filled garbage bags with cash. But Watkins, like boatloads of fellow islanders, wound up serving time at a federal work farm at Florida's Eglin Air Force Base, winning early release for saving the lives of two drowning men. After prison he returned to fishing, thinking his days of trouble with the government were through. No such luck.

Watkins has a lot in common with another famous Key West fisherman, Harry Morgan, the protagonist of Ernest Hemingway's 1932 novel *To Have and Have Not.* Morgan turns to running booze and guns across the Straits of Florida to Cuba when his failing charter boat business no longer can feed his family. "I don't know who made the laws but I know there ain't no law that you got to go hungry," is how Morgan sums up his philosophy. "I been sore a long time."

Incessant government intervention has made plenty of people in the Florida Keys as sore as Morgan. Certainly that's the case with Watkins and the dwindling commercial fishermen, whose catches and exploits once fattened the local economy and animated its lore. In today's Key West, they often feel like pariahs, shunted by government rules, elitist transplants, busy-body environmentalists, and the tourist economy. A mangrove-like tangle of at least 22 federal, state, and local regulatory agencies has taken root here, each agency trying to carve out a domain for itself, creating a picture-perfect prison and disillusioning iconoclastic locals who migrated here precisely to escape mainland hassles.

Watkins has resisted these changes in sometimes-unconventional ways, earning a reputation as a hell-raiser and gadfly. He's painted his modest bungalow eye-burning shades of blue, green, yellow, and red, as if to give passing, tourist-laden "conch trains" the middle finger. And there's a large painted sign propped against its front porch, in case somebody doesn't get the message. It reads: "The B.O.W.E.L. Movement: Butt Out Worthless Environmental Liars. No Marine Sanctuary!" The sign is a reminder of the decade-long fight over the establishment of the Florida Keys National Marine Sanctuary, which was created in 1990 in the face of overwhelming local resistance and which ushered in a new wave of rules and regulations. Watkins frequently paraded around town with the sign displayed in the bed of his pickup truck.

"My taxes are paying the salaries of the people that are trying their hardest to put me out of work," Watkins told me one night over beers in his back yard. "You shouldn't mess with the working people, bubba, cuz the working people are the backbone of America." Though he tries to maintain a sense of morbid humor about the continuous

SEAN PAIGE

For the fishermen being displaced by them, special no-fishing zones seem like a frivolous federal science fair project with potentially serious economic consequences.

crisis of fishermen in the Keys, his anger and disillusionment creep in when talk turns to the government. "Stuff is building up out here," he says. "I can envision how somebody snaps."

Like most professional fishers, Watkins cherishes the independence and self-reliance the job affords, and has gone to great lengths to stay far from the madding crowd. When waters closer to shore got too crowded for his tastes, Watkins fished farther and farther out, eventually ending up in the Dry Tortugas, a 120-mile round-trip from Key West, where conflicts over territory and government hassles were fewer—at least until recently.

Working the Tortugas sets Watkins and his mates apart from most crawfishermen. The typical lobsterman generally traps in shallower waters close to shore, so they can be out and back, baiting and servicing their traps, in a single day. The risks are greater working in the Tortugas, but so are the potential rewards. Seas and shoals can be tricky, as hundreds of shattered galleons attest. Traps, floats, and gear get beaten to hell, as do captain and crew, who often work for 10 or 12 days at a time while being battered by 5- to 10-foot waves. But the crawfish are generally larger than those caught near shore, and in a good season, the Tortugas traps produce consistently while shore-huggers are pulling up empties.

Scales of Justice

Fishing the Tortugas has another disadvantage that couldn't possibly have occurred to Watkins when he gravitated there years ago: Because relatively few fishermen have the skills, motivation, or inclination to work this far out, it became a tempting target for government regulators looking for somewhere to place a 150 square mile no-fishing zone called the Tortugas Ecological Reserve. Environmentalists and federal regulators hope the reserve will serve as a model for similar no-fishing zones they want to establish along 20 percent of the U.S. coastline.

To proponents in government agencies, environmental groups, and academia, such "marine protected areas" (or MPAs) are the wave of the future for fisheries management—a maritime equivalent of federal wilderness areas that protect not just species but habitat. Greens have fixed like a barnacle on the idea of a "place-based" method for protecting marine life, much as they've pushed hard for the establishment of "critical habitats" for endangered species. Traditional, species-based fisheries management strategies are aimed at establishing a sustainable balance between the needs of fish and fishermen. The "place based" approach instead places marine wilderness areas off limits to all human meddling, which they believe will in time replenish the rest of the seas. For most MPA supporters, how fishermen fare as a result seems a matter of indifference.

For the fishermen being displaced by them, MPAs seem like a frivolous federal science fair project with potentially serious economic consequences—and yet another blow to the traditional Key West fishing life.

SCOTT WILCOX

The no-fishing zone being created in the Tortugas this summer "is just the tip of the iceberg," according to one government fisheries official who asks not to be identified. "This is an idea that's not only being embraced at the federal level, but has taken root at the local level, too. A number of the people in the research community think as much as 20 percent of the U.S. coastline should be off limits to fishing. Before long, you may see another marine reserve sitting at the mouth of the Chesapeake Bay."

In addition to the 150 square mile Tortugas Reserve, which is administered by the National

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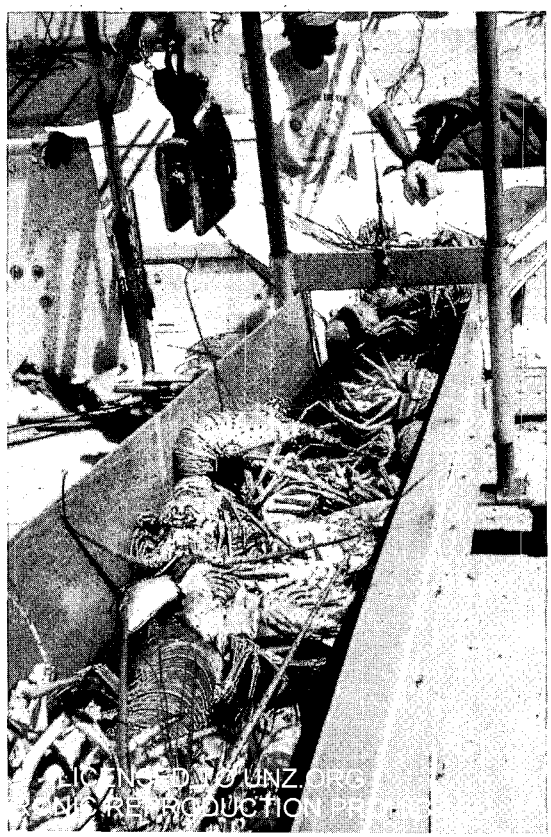
No-take zones represent a radical departure, based on immature and uncertain science, which will have a direct and detrimental effect on the fishermen being displaced.

Oceanic and Atmospheric Administration's Florida Keys National Marine Sanctuary, the Department of Interior plans to close nearly half the adjoining 100 square mile Dry Tortugas National Park to all "consumptive" activities.

This summer, the South Atlantic Fisheries Management Council, one of two federal panels that regulate fisheries in the Keys, began compiling a "shopping list" of potential new no-fishing zones from the Carolinas to Key West. The council is under mounting pressure from environmental organizations such as the Center for Marine Conservation and Earthjustice Legal Defense Fund. Already included on the list of proposed areas is "the Hump," a popular fishing spot off Islamorada in the upper Keys, and the Carysford Reef, where an existing no-take zone could be enlarged.

Even the city of Key West—in response to lobbying by the Center for Marine Conservation—recently considered a no-fishing zone extending 600 feet from the island's shoreline. In the end, the city shelved the notion, which would have effectively banned angling from the beach, from docks, and on flats close to shore.

In August, the South Atlantic Fisheries Management Council will be holding public hearings on the proposals for more fishing bans. The proposals may end up uniting commercial fishermen and sport fishing enthusiasts, who have often been at odds in the past. A number of media reports have suggested that there is support among commercial fishermen for the no-take zones, yet during a visit earlier this year, I failed to meet a single commercial fisherman in the Keys who supported the reserve concept or put much stock in the science behind it. According to most commercial fishermen, many of whom have completely lost faith in a public hearings process they see as a charade, the few fishermen who chose to participate in the government's public consultation process did so either in a vain effort to mitigate regulatory excesses or in the hope of avoiding being the next group targeted for cutbacks and closures.



SCOTT WILCOX

Fishy Science

"It's clear that some environmental groups see MPAs as a panacea, but we think the science is still equivocal on the question of how these areas will effect overall health of the fishery," says Justin LeBlanc of the National Fisheries Institute, a trade association representing commercial fishing interests. "It doesn't take a scientist to understand that if you stop fishing in an area you're going to find more fish and larger fish in that area. But if you're making the argument that it's going to improve the fishery overall then I think the jury is still out and the science is more equivocal." LeBlanc calls the proposals to designate at least 20 percent of U.S. coastal areas as no-fishing zones "arbitrary" and "completely irrational."

Though temporary closures have been used as a fisheries management tool for decades—during spawning seasons, for instance—permanent closures over large areas are a relatively new idea on which hard scientific data either hasn't been collected or isn't conclusive, according to LeBlanc.

While there's little doubt that an unfished area will have more fish, the real issue is whether abundance of marine life in one closed-off area will translate into abundance elsewhere, improving the fishery overall. That question depends on a complicated and only partially understood set of variables, including the mating,

SCOTT WILCOX

spawning, and migratory patterns of myriad species; currents, weather, and tidal conditions; and the size, depth, and bottom composition of the zones.

Fishermen make the following, experience-based observations to challenge what they see as a windy academic theory. First, a lot hangs on the unique characteristics and habits of the fish you want to catch. For instance, territorial species that spend their lives on a reef aren't going to suddenly leave en masse for open water, where they can fall into the waiting nets of fishermen. And highly migratory species passing through seasonally aren't likely to settle down and retire to a fishing-free reef, escaping capture. As anyone who's ever put a hook in water knows, fish (like fishermen) tend to congregate in certain areas (reefs, wrecks, humps, walls, etc.) and are unevenly distributed throughout the seas. Making these crowded areas off limits to fishermen may affect their numbers, but likely will not alter the overall distribution of fish.

So one of the basic ideas behind MPAs is mistaken. When the Tortugas zone was first proposed as part of a Florida Keys National Marine Sanctuary management plan, it was billed as a "replenishment reserve," a name suggesting that it would somehow repopulate the seas. But that name was dropped after sanctuary officials were pressed on the specifics of how this "replenishment" would occur, an acknowledgment that the term and, by extension, the concept, was spurious.

Perhaps more important, the whole exercise skirts the most fundamental issue, according to many fishermen I spoke with. The question isn't whether you will have more fish if you stop fishing (common sense tells us that's so), but how you can have sustainable fish stocks and sustainable fishermen, too. The traditional, species-based approach to fisheries management, though it functions imperfectly, is at least based upon established procedures, benchmarks, methods, and decades of trial and error. It is also based on the assumption that we can adequately negotiate between our desire to eat fish and our desire to preserve species. No-take zones, by contrast, represent a radical departure, based on immature and uncertain science, which will have a direct and detrimental effect on the fishermen being displaced.

"It is a fad, but it is being effectively campaigned by national environmental groups that have gotten a lot of foundation money to promote this," says Ted Forsgren, spokesman for the Florida chapter of the Coastal Conservation Association, a group representing saltwater sport anglers. "The label 'marine protected areas' is false advertising, camouflaging what's really going on, which is the creation of no-fishing areas. And when they talk about prohibiting fishing in *just* 20 to 30 percent of the ocean, what they're not saying is that these are the areas that have all the fish."

Though President Bush vowed that he would not be formulating policy based on environmentalist "fads," he seems to be giving in to this particular craze. He recently announced that he would not be reversing the last-minute Clinton administration executive order that called on federal agencies to develop a national system of MPAs. In June, Commerce Secretary Donald L. Evans took a trip to California, where a no-fishing zone is being proposed near the Channel Islands, over the objection of commercial fishermen. Evans not only signaled that the Bush administration would continue to implement Clinton's executive order, but announced $3 million for scientific research in support of the concept. Evans specifically lauded the Tortugas Reserve as a model that should be followed elsewhere, as has the president's brother, Florida Gov. Jeb Bush. Neither paid any mind to the concept's potentially devastating impact on Watkins and fishermen like him.

When the Tortugas no-take zone became law July 1, Harvey Watkins and at least two dozen Tortugas fishermen lost large parts of the fishing grounds it took them decades of hard experience to master. "They just took half of my livelihood," Watkins says. "I've got a lot of people here who count on me for support." Now Watkins will have to place more of his traps near shore ("Where I first started fishing 27 years ago," he says), inviting gear conflicts with boats already established in those areas, or even further out at sea, exposing himself and his crew to even greater hardships and dangers.

At night on the water, with the mates asleep, not a light on the horizon, and an anchorage at Fort Jefferson still a long hour away, Harvey Watkins' usual mood of manic defiance gradually yields to sadness and resignation as he ponders the government's apparent antipathy toward his chosen way of life.

"When I was a kid growing up in the '50s, I used to watch Westerns, cowboys and Indians, and I sided with the cowboys, like all the rest of the kids," he says, peering through the darkness for some sign of safe anchorage. "I've been reading lately about the Indians and how they were treated, and today I feel more like an Indian. Today, as an Indian, I say, 'To hell with the cowboys.'" ◆

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Persuade and Be Free

A new road to Friedrich Hayek

By Deirdre McCloskey

"The libertarian age is at hand," declares Alan Ebenstein at the end of his engaging new biography. So we most fervently pray, though the very sainted Friedrich August von Hayek (1899–1992), one of the people who brought it about, would I think be less than confident. Hayek lived through a startling disintegration of liberal societies. He saw socialism triumphant and freedom limited to a handful of nations. By the early 1940s even his fellow Austrian, Harvard economist Joseph Schumpeter, had abandoned capitalism, as had most other intellectuals.

By 1944, when Hayek wrote his most famous if not his most profound book, *The Road to Serfdom*, most of his academic colleagues were lining up behind state slavery. George Orwell praised the book in part; it elaborated on the same worries Orwell had about central planning: "It cannot be said too often—at any rate it is not being said nearly often enough—that collectivism is not inherently democratic, but, on the contrary, gives to a tyrannical minority such powers as the Spanish Inquisitor never dreamed of." When Hayek tried to have *The Road to Serfdom* published in the United States, it was rejected by three publishers. Orwell's *Animal Farm*, a rather more vivid approach to the same theme, was in that same heyday of collectivist enthusiasm rejected by eight or nine American publishers, one of whom explained kindly that, "We are not doing animal books this year."

But Hayek gloriously lived to receive the 1974 Nobel Memorial Prize in Economic Science and to witness socialism's collapse. The century's chief political theorist of capitalism became a hero in the former socialist countries. In 1989 the Cato Institute gave Yevgeny Primakov a bronze bust of the author of *The Road to Serfdom*. The ironies are dizzying.

Hayek had an interesting life, sometimes in the sense of the Chinese curse: May you live in interesting times. He was a child in the Vienna of Freud, a cousin of Wittgenstein, a decorated officer in the horrors of the Italian front in World War I, a witness to hyperinflation and the rise of Nazism, an early proponent of the new quantitative methods in social science, an academic star at the London School of Economics, a media figure briefly in the United States after *Reader's Digest* published a condensed edition of *The Road to Serfdom* in its March 1945 issue, and then a pariah in mainstream economics, viewed as merely polemical, no longer an economist.

Friedrich Hayek: A Biography, by Alan Ebenstein, New York: Palgrave/St. Martin's Press, 403 pages, $29.95

When he was considered for a job in economics at the University of Chicago in 1946, and then again in 1950 when he was in fact invited to join the university's quirky Committee on Social Thought, the economics department one floor down wouldn't give him an appointment. It was not because he was an anti-socialist—the Chicago School was just forming then, under the agricultural economist Theodore Schultz, and was realizing that it was an anti-socialist outpost—it was because he was thinking beyond economics and econometrics. (Departments of economics haven't changed since 1950.) In the 1950s, he worked on political philosophy at Chicago, then returned to the German-speaking world, and especially his well-named hometown Freiburg, for the final third of his career.

That career can be summed up as a stellar rise to 1944 and a shocking fall, which was followed by a long period of relative and then depressing obscurity, out of which emerged the grand old man of what the Europeans call neoliberalism. Hayek confessed in an interview, "I had a period of twenty years in which I bitterly regretted having once mentioned to my [first] wife after [John Maynard] Keynes' death [in 1946 that] I was probably the best-known economist living. But ten days later it was probably no longer true." What happened? Keynes' stock rose after his death, just as the academics were getting cross about the popular success of *The Road to Serfdom*. A dead saint was hard for Hayek to match. Yet in Hayek's and the century's middle 70s, he began a triumphant old age. Even his health improved. "For a while I tried old age," he said, "but it disagreed with me."

Ebenstein's compulsively readable book gives you a man almost in full. It's a mainly intellectual biography with intriguing personal supplements. It consists of 40 or so little essays, perfect for bedtime dipping—"University of Vienna," "New York," "Robbins" (his pro-Austrian friend at the London School of Economics), "Mont Pelerin Society" (the influential club of neoliberals Hayek co-founded in the darkest days after World War II), "Chicago School of Economics" (of which he was of course no member: He was an Austrian economist, and we Chicago Schoolers looked down on their lack

JAMES GILL

of quantitative rigor), "Mill" (about whom he did important scholarly work), "*Law, Legislation and Liberty,*" "Laureate," "Friedman," "Thatcher," "Opa" (that is, Grandpa), and "*The Fatal Conceit*" (his last book, a brief against the conceit of excessive rationalism).

We hear about Hayek's first marriage ending in a contested divorce, and of an idyllic second marriage to a boyhood sweetheart and cousin. A big, tall man (he weighed 200 pounds in his prime), Hayek was "aristocratic in temper and origins," but no Prussian. Unlike his senior in the Austrian school, Ludwig von Mises (notice all those *vons*, sir!), he did not demand sycophancy, nor did he get it much until his Nobel Prize. What comes through is a Viennese sense of humor, sardonic and self-deprecating.

The very non-libertarian Keynes, a sort of friend and certainly an intellectual opponent of Hayek, remarked famously that "madmen in authority...distill...their frenzy from some academic scribbler a few years back." The madmen (and women, if you please) who brought on neoliberalism were Margaret Thatcher, Ludwig Erhard, Jacques Rueff, Luigi Einaudi, Barry Goldwater, and Ronald Reagan. The scribblers from whom their frenzy was distilled were Mises, Ayn Rand, Milton Friedman, and Hayek.

Many, including Hayek himself, have noted that the chief theorist against socialism had some of the statist about him. He was no anarchist.

Many, including Hayek himself, have noted that the chief theorist against socialism had some of the statist about him. He was no anarchist. Rand, for example, viewed him as "real poison" for his many concessions to the state. Ebenstein argues somewhat strangely that Hayek discovered the link between state-enforced law and real personal liberty. (One would have thought that the entire Western liberal tradition is based on such a notion.)

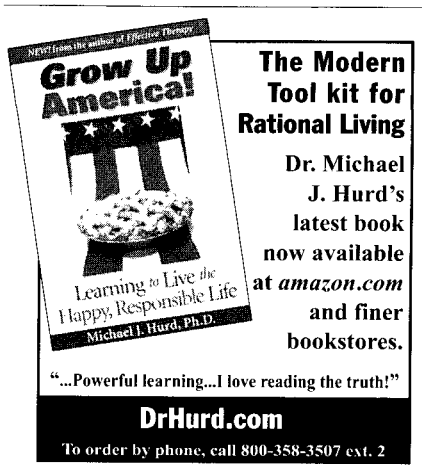
Hayek always courted socialists and had many leftish friends, the economic historian Richard Tawney, for example. He was certainly no conservative: On the last page of *The Constitution of Liberty* (1960) he argued that our "hopes must rest on persuading and gaining the support of those who by disposition are 'progressives,' those who, though they may now be seeking change in the wrong direction, are at least willing to examine critically the existing [*sic*: Hayek was never smooth in English] and change it whenever necessary."

As a student he was much influenced by Friedrich von Wieser, the more leftish of the two who ran Austrian economics. (The other was Eugen Boehm-Bawerk, who was Wieser's brother-in-law. They dominated Austrian economics between 1890 and 1920 the way another such pair, Paul Samuelson and Kenneth Arrow, dominated American economics between 1940 and 1970. The last Clinton secretary of the Treasury and the new president of Harvard, Larry Summers, is their nephew.)

Hayek rejected the notion that equality of results necessarily leads to mediocrity and he was concerned throughout with human dignity. In a radio debate in 1945, for example, he declared flatly, "I am in favor of a minimum income for every person in the country." He approved of the military draft, and wanted ownership of guns restricted. He was green, offering endorsements after his Nobel Prize to the World Wildlife Fund. Hayek admired Marx as an economist, saying of *Capital* that its "long middle part is really essentially flawless."

Isaiah Berlin in his first book, *Marx* (1939), described Marxism as "not a hypothesis liable to be made less or more probable by the evidence of facts, but a pattern, uncovered by a non-empirical, historical method, the validity of which is not questioned." That doesn't make Marxism "non-scientific." It makes it storytelling. An identical sentence could be written about the most fruitful scientific theory of the past two centuries, Darwinism: a non-hypothesis, a pattern, a historical method, the validity of which is not questioned. The point is you could write still another, identical sentence (in fact I'm positing it now) about the lifework of the 20th century's great anti-Marxist. By his own account, Hayek in his youth almost became a Darwinian biologist.

So Hayek was an anti-positivist, an anti-behaviorist, an anti-most-things-that-passed-for-Science until post-modernism and its revival of The Story as the basic form of organizing and revising knowledge. We are the economic molecules, said Hayek, and can tell our story without having to pretend that only "observation"



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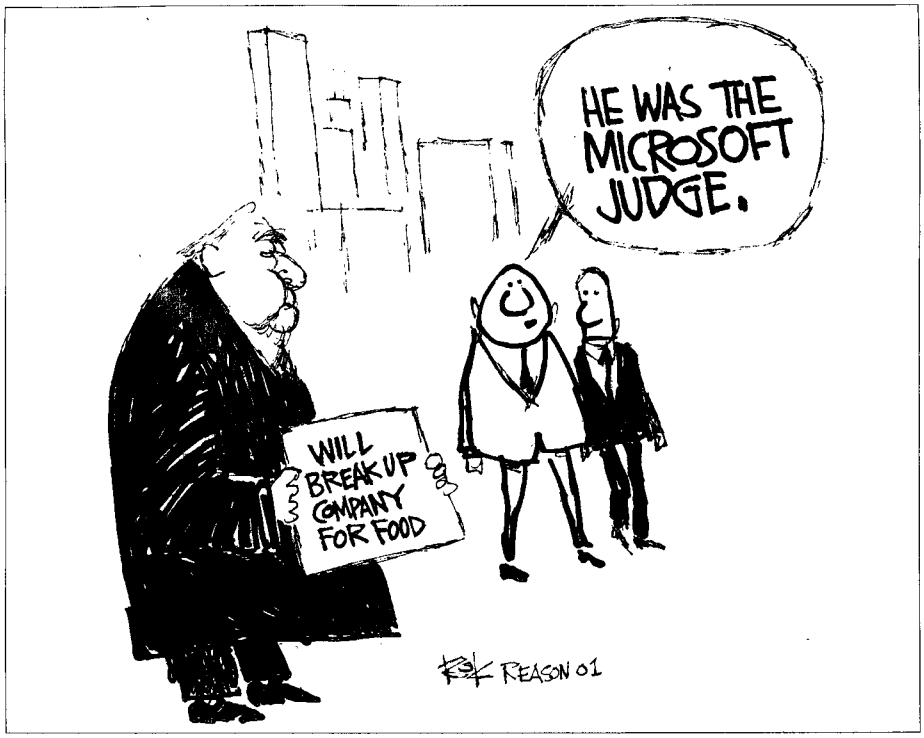
is real knowledge. Yet as Milton Friedman has remarked, the Austrian method "makes it very hard to build up a cumulative discipline....[In empirical science] if you and I disagree...I say to you, what facts can I find that will convince you?" After Hayek's days in the 1920s as a statistical student of business cycles, he lost interest in such arguments. He claimed, for example, in *The Constitution of Liberty* that, "The rapid economic advances that we have come to expect seem in a large measure to be the result of inequality and to be impossible without it." He gives no shred of evidence, this man who read and indeed wrote knowingly on economic history.

Had he said such a thing in a seminar in the presence of Friedman (as he no doubt did, if not at Chicago then in the annual meeting of the Mont Pelerin Society) Milton would surely have asked, as he always asks everyone, "How do you know?" The doubting Milton would have stayed for an answer, a quantitative one. The great failing of the Austrian School, which Hayek did nothing to help, was its insistence that *one* form of argument, the non-quantitative, was the *only* good form. (The great failing of the other schools of economics, by contrast, is their insistence that *one* form of argument, the quantitative, is the *only* good form.)

Hayek summarized his own intellectual life as one "discovery" and two mere "inventions." The discovery was that a division of *information* is as crucial to society as a division of *labor*, which suggests—Hayek's method would allow him to say *implies*—that central-plan socialism will work badly. Planners, Hayek understood, simply can never possess adequate information. One of the inventions was the claim in his three-volume *Law, Legislation and Liberty* (1973–1979) that certain legislative elections should be restricted to 45-year-olds and that only people who get no benefits from government should vote. You can see that this particular academic scribbler had no interest in political feasibility.

The other invention, more influential, was the suggestion that moneys should compete. A government should not be able to force its citizens to take its money. Contemporary governments, like those in Russia and Argentina, that have adopted



the American dollar and thereby have removed their temptations to print too many rubles and pesos, are following Hayek. Here he disagreed with Friedman, who retains a peculiar fondness for a state monopoly of the money supply. The gold standard worked, Hayek would say, because people *wanted* to do business in gold, or its close substitute called pounds sterling, not because a monopoly of mines had agreed to follow a rule of monetary expansion, or because a wise Greenspan was in charge of the monopoly.

What was really important was his one "discovery," so damaging to the rationalist project of central planning. Hayek's discovery that information is fragmented connects his biologic with his economic thinking: a "neuron, or buyer or seller" in a brain or in an economy "is induced [by evolution, not by magic] to do what in the total circumstances benefits the system...to serve the needs of which it doesn't know anything at all." He described in an interview with Jack High (reproduced in another good introduction to Hayek, Stephen Kresge and Leif Wener's edited *Hayek on Hayek* [1994]) how in the 1930s "my whole thinking on this started with...joking about economists speaking about given data." Hayek realized the term was an absurdity: "Data" means in Latin "things given," so the phrase means "given things given." But given to whom? Not to the central planners, certainly, but dispersed in each individual's mind, and gatherable only by dickering in the market.

Dickering, or as Adam Smith put it, "the propensity to truck, barter, and exchange one thing for another" is "a necessary consequence of the faculty of reason and of speech." Smith was vividly aware of the faculty of speech, but nonetheless confined his system to the more behavioral and observable and quantitative division of labor. Hayek, who first came upon the idea (Smith's and the inklings of his own) when attempting during the Great War to lead men in an Austrian brigade speaking a dozen different languages, nonetheless confined his extension of Smith to the division of information.

This is a fault. I know, for example, that I like purple dresses. You as a dressmaker need to acquire that information if I am to be served. Good point, and a very great obstacle to central planners, who have no good way of getting information, as Hayek expressed it in his famous essay of 1948, about "particular circumstances of time and place," such as that Deirdre likes purple.

Right. But let's go all the way: Why would you *want* to serve me, or I you? It is, I would claim against Friedrich Hayek

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and Israel Kirzner and others of the Austrian School who have taught us so much about alertness and information, the division of *persuasion*, not only of labor and information, that runs a modern economy. "By pursuing profit," Hayek wrote, "we are as altruistic as we can possibly be, because we extend our concern to people who are beyond our range of personal conception." Yes, I entirely agree, as did Smith. But if the dressmaker merely has the "information" that I like purple, she can ignore it unless something leads her will. Profit *and the other persuasive resources of language* make her "pay attention," as we say.

Adam Smith expressed the linguistic character of market persuasion this way: "If we should enquire into the principle in the human mind on which this disposition to trucking is founded, it is clearly the natural inclination every one has to persuade. The offering of a shilling, which to us appears to have so plain and simple a meaning, is in reality offering an argument to persuade someone to do so and so as it is for his interest....And in this manner every one is practicing oratory on others thro the whole of his life."

The baby's crying in a family, the instinct of workmanship at the factory, the threat of dismissal as a housekeeper, the lure of profit in making dresses, the offer of a shilling: These are all persuasions to courses of action, connecting heart and hand. Without persuasion, the theory of economics is incomplete. And so it is incomplete without an account of language, language viewed not merely as "conveying" or "communicating" information originally "dispersed" (in Hayek's terminology), but language as rhetoric—that is, as capable of moving us to action. The socialists' favored form of speech is an order: "Go mine coal." The Austrian economist's favored form is an informative statement: "I like purple." Neither of these quite do the economic task. You can be in the right job, and know exactly what to do. But unless the boss or the culture or the market or you yourself in the council of your soul has exercised sweet talk on your will, there you sit, ready to work. Enlightened, yes, but unmoved.

Completing the Austrian system in this way makes clearer that it is a system for a free society. If something called the division of "labor" is the sole key to economics, then the authoritarian claim to improving the way labor is assigned sounds plausible enough. Let's see. We will need 1,657,987 coal miners next year if we are to produce 18,987,876 metric tons of steel. Or so at least it seemed to intellectuals in the 1930s. The socialist hope sounds much less plausible if, as in Hayek, the key is a division of information. But as the Hollywood Nazis say, "Vee have vays" of extracting information, maybe, short of giving people their freedom. Or so it seemed to the intellectuals plugging "market socialism" in the 1950s.

But if an economy depends on a division of *persuasion*, an ability to exercise sweet talk with a variety of people every day, and with people we have never met, then it is suddenly clear why personal freedom, the dignity that comes from owning private property, and the quantitative miracle of capitalist economic growth have pretty much gone together.

The intellectual defenses of a new age of libertarianism need sweet talk, a unity of word and number, story and metaphor, on the lips of free men and women. The story of Hayek's astonishing life and work says just that: Persuade and be free.

Deirdre McCloskey (deirdre2@uic.edu) teaches economics, history, and English at the University of Illinois, and economics, philosophy, and art and cultural studies at Erasmus University, Rotterdam. Her latest books are How to be Human*...*Though an Economist *(University of Michigan), and* Measurement and Meaning in Economics: The Essential Deirdre McCloskey, *(Edward Elgar) both published this year.*

Standards Issue

The Supreme Court, "community standards," and the Internet

By Mike Godwin

Chances are that if you're at all acquainted with the arcane legal territory known as "the law of obscenity," you know that in the United States such law is based on "community standards" that shift from one jurisdiction to another: What folks consider obscene—that is, without any redeeming social, cultural, or aesthetic value—in one place may be unobjectionable somewhere else. This is no small matter, as material considered obscene can legally be censored.

What you may not know is that a recent federal Appeals Court decision has called the entire "community standards" doctrine into question and that the U.S. Supreme Court has agreed to weigh in on the matter. This sets up the possibility of the first wholesale revision of obscenity law in decades. While there are reasons to be optimistic that the outcome will increase the realm of protected speech, there are also reasons to worry that we may end up with fewer speech rights.

Here's the background: In 1998, Congress passed the Child Online Protection Act (COPA), which is aimed at preventing minors from getting access to sexually explicit but otherwise legal material. COPA is based on the notion that the government has a role in preventing children's exposure to content that is legal for adults (that is, material that isn't legally obscene) but that nevertheless might be considered "harmful to minors" (sometimes known as "obscene for minors").

Soon after COPA became law, the American Civil Liberties Union challenged it in court, claiming it overly restricted First Amendment–protected speech. A U.S. District Court in Pennsylvania agreed that COPA ran afoul of the Constitution and, in June 2000, the 3rd Circuit Court of Appeals also agreed that COPA was too restrictive. The Supreme Court has agreed to hear the case in the upcoming term, which begins in October.

So why is the 3rd Circuit decision troublesome? In *Miller v. California* (1973), the Supreme Court came up with a way of dealing with so-called obscene content that got the high court out of the

business of deciding at a national level what content is legal and what can be punished. *Miller* held that the definition of obscenity depends at least in part on the standards of local communities: Content that is acceptable in New York or San Francisco isn't necessarily going to be legal in Waco or Paducah, the court reasoned. At the same time, the court did carve out an exception for material that has "serious" literary, artistic, or other social value; such content, it ruled, can't be obscene no matter what local standards prevail.

Miller didn't address whether sexual content that's legal for adults is legal for minors as well, but subsequent federal and state court cases have suggested that "community standards" apply here, too. This led to the concept of otherwise legal content that may be "harmful to minors." Thus, parents in Manhattan, New York, may think little of allowing their children access to content that would appall parents in Manhattan, Kansas. As the 3rd Circuit correctly noted in its decision, the statutory scheme of COPA is wrapped around that concept of "harmful to minors," which itself depends on the notion of "community standards."

This, said the 3rd Circuit, is a big constitutional problem for Web site publishers. After all, when you put up a Web site, you can't tell who's going to access it or where they are—at least not with current technology. So even if you publish content on your Web site that isn't harmful to minors in your locale, you can't guarantee that a kid in a more restrictive community won't click his way to it. What COPA effectively requires, the court concluded, is that every Web site operator design his content so that it is acceptable—not "harmful to minors"—in every jurisdiction in the country, or else check everyone's I.D. at the door.

Either alternative is excessively burdensome on speakers—especially speakers such as the *Buffy the Vampire Slayer* fans who write erotic fiction featuring their heroine or the keepers of racy Web logs, whose content is not only legal for adults, but also clearly protected by the First Amendment. (COPA purportedly addresses only commercial Web site operators, but the definition of "commercial" in the statute is so broad that it arguably includes even nonprofit and hobbyist Web sites.) Based on this reasoning, the 3rd Circuit concluded that the "community standards" doctrine—at least when applied to the Internet—is itself unconstitutional.

On the face of it, the 3rd Circuit's dismissal of community standards on the Internet should please *somebody*. After all, the two basic sides in the various legal fights over sexually explicit material both dislike community standards. Civil libertarians find the doctrine too restrictive and variable, while social conservatives hate it because it allows too much to be published (plus, it has that annoying escape clause about "serious" value).

Despite such problems, the community standards doctrine has brought comparative stability to an aspect of law that had become increasingly contentious. Which is the main reason you can expect the Supreme Court to think long and hard before dumping the doctrine, Internet or no Internet. That, in turn, explains why both sides in the upcoming Supreme Court case are wrestling with how to deal with the community standards issue: No one wants to ask the Supreme Court to do what it is plainly loath to do—make national standards and hence deal with every obscenity case in the country. But no one really wants to *defend* the community standards doctrine, either.

It's likely that the government, along with various social-conservative *amici curiae* such as the National Coalition for the Protection of Families and Children, will argue for a *national* "harmful to minors" standard, under which COPA could survive a constitutional challenge. But COPA's defenders may argue something different: that community standards are just fine as a way of regulating content, so now let's make the content providers come up with a technological fix—up to and including redesigning the way the Web works—in order to enforce those standards.

COPA's challengers, despite their earlier successes in this case, may want the high court to avoid the community standards issue altogether. After all, they got COPA struck down in the trial court because the law was judged unconstitutionally overbroad and vague in its regulation of speech protected by the First Amendment. Thus, they too may ask the Court to find other reasons to uphold the finding that COPA is unconstitutional. No need, they may argue, to revisit community standards doctrine this year.

But perhaps there's a way to revisit community standards doctrine and find something useful and pro-liberty in it. It helps to remember that when it comes to censorship, what lawmakers have been trying to preserve is not government authority to regulate content per se, but community integrity—the ability of groups to maintain the character of their public spaces without being confronted with, say, sexually oriented businesses such as adult bookstores and strip clubs.

In other words, lawmakers are interested in public spaces, not private ones. That the government has no authority to invade the privacy of a home to root out obscenity—regardless of community standards—has been established at least since the Supreme Court's 1969 decision in *Stanley v. Georgia*.

Retrofitting the Internet to make content regulation easier for police is too frightening a prospect to accept.

With that case in mind, it seems certain that whatever the social interest is in regulating obscene and harmful-to-minors content, it has to do only with public spaces—spaces outside the home. The government's power to regulate obscenity and harmful-to-minors content has been understood in the modern era to be a function of that community interest in protecting public spaces.

So when we look at community standards, what we're looking at is a right that is vested not in state and federal police officers, but rather in the citizens of com-

munities themselves. Historically, that right has been delegated to the police, but the problem in the age of the Internet has been that police-centered content regulation—especially when it comes to content whose legality varies depending on what community you're in and what age the audience is—is too blunt an instrument. And retrofitting the Internet to make things easier for police is too frightening a prospect to accept.

The Internet is a decentralized medium, so it makes sense that the primary arbiters of what's seen on the Internet ought to be individuals, including individual parents. We Internet users tackle this problem in different ways—some of us may use filtering software to enforce our choices, while others, eschewing what they see as the clumsy world of commercial filtering tools, simply rely on their own ability to choose where they go and what they and their children see on the Internet. It's not a perfect system, of course, but it's better than having the cops make their own judgments as to what may be "harmful" to our minors, and it's better than balkanizing the Internet technologically and legally in order to make it easier for the cops.

Is this user-centered approach to community standards a First Amendment framework that we all can live with? In a sense it always has been–it's precisely the system that we parents are used to enforcing in the offline world. All parents know their children will encounter things in the real world that they'd prefer they not see. What we parents have relied on, historically, has been our ability to instill our own community standards in our children—internalized values that remain with our kids when neither parent nor policeman is around.

In that sense, the Internet and the Web don't pose any new community standards problems—just a digital version of a very old one that we've been coping with for a long time.

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Brutal History

Conflict between whites and Native Americans didn't end at Wounded Knee.

By Amy H. Sturgis

When then-Secretary of the Interior Bruce Babbitt walked out on his interview for the *John Stossel Goes to Washington* ABC special last year, he joked that he would fire whoever set up that meeting about the Bureau of Indian Affairs' mismanagement of funds. Clearly, Babbitt did not wish to explain how the bureau misplaced billions of dollars of Amerindian money—or, for that matter, why the BIA exists at all, since the 1975 Indian Self-Determination Act formally terminated its reason to exist. Despite increasing calls for Amerindian sovereignty by the American Indian Movement and other groups, the Bureau of Indian Affairs celebrated its 175th anniversary in 2000 with an apology for past behavior, but no promises of new policy for the 21st century.

In the face of this impasse in U.S.-Amerindian relations, new investigations of the history between whites and American Indians are needed. Not only would such explorations help readers understand how the current situation came to pass, but better history also could inform better policy in the future. If, for example, historians properly distinguished among native nations rather than treating "Indians" as a monolithic entity, then perhaps policymakers would also come to respect the divergent political, economic, and social cultures of different indigenous peoples.

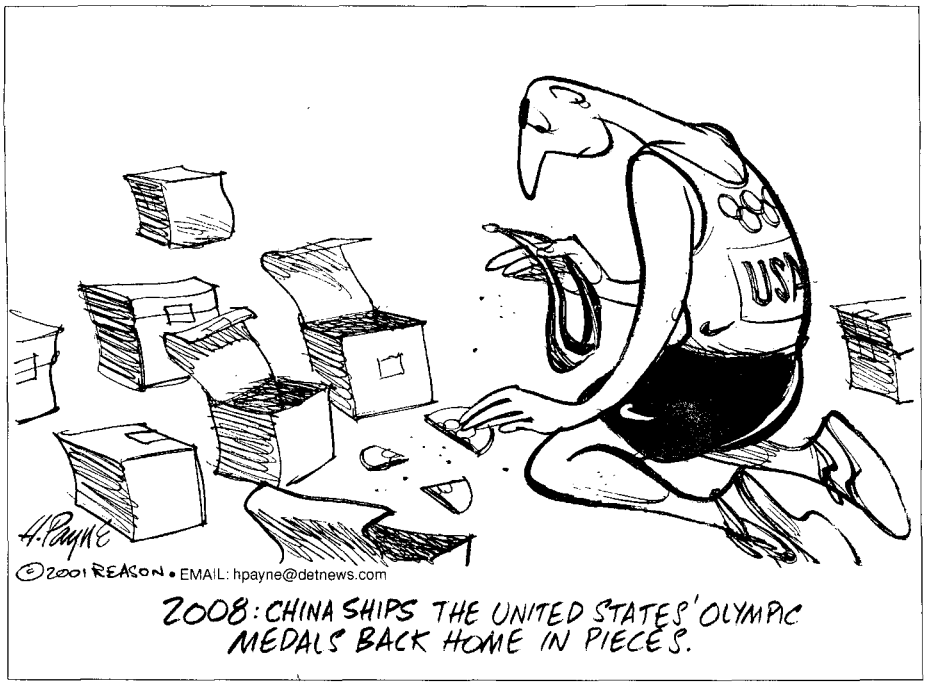
The Wild Frontier: Atrocities During the American-Indian War From Jamestown Colony to Wounded Knee, by William M. Osborn, New York: Random House, 400 pages, $25.95

In *The Wild Frontier*, retired attorney William M. Osborn attempts to chronicle one of the most emotional aspects of that history. His subject is the atrocities committed during "our longest and cruelest war"—the hostilities between white settlers and Amerindian natives—from the establishment of Virginia in 1622 to the Wounded Knee massacre of 1890. Osborn's effort is noteworthy for several reasons. First, he rightly takes issue with recent stereotypes of Amerindians as tranquil, New Age, *uber*-environmentalist sages. His concern about ethnic stereotypes is justified because two-dimensional interpretations motivated by prejudice for or against historical actors unjustly ignore the complexity of the individuals, their decisions, their particular cultures, and their times. Old, racist caricatures and New Age adoration both tell the readers far more about the historians' era than about the era supposedly being studied.

In addition, Osborn chooses to look at atrocities from all sides, including not only settler-Amerindian and Amerindian-settler violence, but also war waged within the ranks of both sides, such as Amerindian vs. Amerindian warfare. This breadth of view brings some necessary complexity to the traditional "cowboys and Indians" vision of conflict provided by countless Hollywood westerns. Most important, Osborn asks where the United States should go from here in terms of relations with Amerindian nations, avoiding the common trap of historicizing the Amerindian question and ignoring the fact that it still exists.

Unfortunately, Osborn's enthusiasm and good intentions do not compensate for his lack of professionalism and information; *The Wild Frontier* fails as either a serious work of history or a call for new policy. Osborn's volume suffers from a number of pervasive ailments that color the author's understanding of the period and its issues.

In place of the two-dimensional stereotype of the Romantic Indian, for example, he substitutes an even older and more



HENRY PAYNE

offensive caricature: the American Indian as warmonger. His irresponsible assertion that "a principal common characteristic of Indians" was the "love of warfare" is compounded by his practice of lumping all natives of North America together, regardless of language, lifestyle, or region. The anecdote of one settler who "lived among the Indians," according to Osborn's methodology, is thus applicable to all Amerindians for centuries (an error akin to assuming that the culture of the Irish was and is the culture of the Italians, since both groups are located in Europe). He makes a comparable error in the opposite direction by labeling all whites as settlers, conflating private citizens and career soldiers, personal behavior and national policy.

Osborn shows a similar lack of rigor with his use of sources. He criticizes historians—often with just cause—for ideological bias, but then proceeds to use their work uncritically throughout the rest of his analysis. He gives equal and unskeptical weight to cutting-edge work by scholars such as Alvin Josephy and outdated historiography (e.g., he uses a Western civilization textbook from 1942 and a general U.S. history text from 1959—both products of earlier secondary sources—to explain settlers' early views of natives and the frontier). That, along with his confusion of primary sources and secondary reference works, makes his lack of training in historical investigation painfully obvious. The statistics on the dead, the main contribution of this volume, are not based on original research, and therefore offer little new to the subject save the efficiency of one-stop shopping. Moreover, Osborn's choice of dates, 1622 to 1890—from Jamestown to Wounded Knee—seems arbitrary. According to his own recognition of quasi-wars, undeclared hostilities, and covert bloodshed, the "American-Indian War" he claims ended in the late 19th century could easily be said to continue to this day.

Most disturbing in *The Wild Frontier* is a lack of any analytical context for the gruesome and detailed body count Osborn provides. And he does provide a body count: In fact, in appendices titled "Deaths Caused by Specific Indian Atrocities" and "Deaths Caused by Specific Settler Atrocities," readers are invited to count the corpses using a handy chart. If the sole intent of the volume is to prove that U.S.-Amerindian relations have been deadly and cruel, then the book succeeds. But Osborn owes the reader more analysis of his laundry list of atrocities, or he threatens to become a voyeur of the most troubling kind. Page after page of descriptions eventually leaves the reader numb. How many times can one process the fact that "they were flayed alive, their limbs hacked and pulled off, brains of children were dashed out, women run through with stakes, and some women's breasts hacked away"? In a sense, *The Wild Frontier* is a list of bloody anecdotes in search of a thesis.

For an author drawn to history's gore, Osborn turns a surprisingly blind eye to recent examples of violence between whites and natives. Osborn's conclusion that the conflict between "natives and settlers" is a thing of the past, that "no atrocities have been committed by present-day whites against present-day Indians and vice versa," is an assumption sadly in contradiction of the facts. Those sad facts include the infamous and deadly 1975 shootout between the FBI and members of the American Indian Movement at the Pine Ridge Reservation in South Dakota (which led to the ongoing and still-controversial incarceration of American Indian Leonard Peltier), as well as smaller, more recent uses of force in the Cherokee Nation of Oklahoma, the Seminole Nation, and elsewhere.

Osborn does address one current situation of particular interest in U.S.-Amerindian relations, that of the Mississippi Band of Choctaws (perhaps best documented in Peter J. Ferrara's 1998 work, *The Choctaw Revolution: Lessons for Federal Indian Policy*). By negotiating what is in effect a separate peace with the U.S. government, the Choctaws recently privatized almost all of the services once performed by the Bureau of Indian Affairs and gained new financial freedom in the process. Under the direction of Chief Phillip Martin, the Choctaws have become an entrepreneurial powerhouse, opening a greeting card plant, numerous factories, a television station, a casino, and a hotel, to name just a few of the successful enterprises. Choctaw companies are now the leading employer of local whites and blacks as well as Choctaws.

But rather than using this success story as an example of the benefits of economic and political freedom—not to mention a call for increased Amerindian autonomy—Osborn wields the Choctaw experience as a bludgeon against other native nations who have not been equally competitive. How, he wonders, can American Indians fail to exploit their "more than adequate room for economic activity" when, "although they constitute less than 1 percent

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Victim of the Sexual Revolution

Terry Southern's telling trip from hipster to has-been

By Nick Gillespie

Just how cool was the writer Terry Southern in the 1960s? That's him on the cover of *Sgt. Peppers*, for God's sake, sporting Italian shades and flanked by the likes of Lenny Bruce, Marlon Brando, and W.C. Fields. As journalist Lee Hill makes clear in his engaging and competent biography, *A Grand Guy: The Art and Life of Terry Southern* (HarperCollins), the '60s were relentlessly good to Southern, best known today for his screenwriting work on *Dr. Strangelove*, *Easy Rider*, and other signature films of the decade.

His success was a long time coming. After serving in Europe during World War II, Southern developed a minor reputation in the '50s as an occasional contributor to acclaimed small mags such as *Paris Review* and the *Evergreen Review*, as the author of the wicked novel *Flash and Filigree* (think Nathanael West in an L.A. plastic surgery office) and, most notably, as the coauthor of *Candy*, a notoriously banned "db" (dirty book) published by Maurice Girodias' legendary Olympia Press (the same Parisian house that originally put *Lolita* and *Naked Lunch* into print).

It was only in the '60s that Southern, already approaching middle age in a decade that fetishized youth, fully came into his own as a countercultural hipster. By penning darkly subversive novels such as *The Magic Christian* and screenplays for films such as *Dr. Strangelove*, he helped to create an America energized by newfound sexual liberation, urbane coolness, and casual iconoclasm. Indeed, though he is largely ignored today, it is tempting to say that he was *the* dominant American writer of the decade. Certainly no other author playing at what Southern sarcastically referred to as the "Quality Lit Game" managed to have more simultaneous critical and commercial success in fiction, journalism, and, above all, screenwriting.

The '60s saw the American publication of *The Magic Christian*, which had appeared earlier in England to rave reviews; the above-ground re-release of *Candy*, the smart and smutty update of *Candide* that went on to become a massive bestseller and cultural touchstone; and highly regarded reportorial forays for *Esquire* and other glossies. (His "Twirling at Ole Miss," an absurdist account of campus life at the University of Mississippi, remains one of the seminal texts of what later came to be lionized as the New Journalism.) As the cowriter of films such as *Dr. Strangelove*, *The Loved One*, *Barbarella*, and *Easy Rider*, Southern seemed to be at Ground Zero of almost everything that was happening.

By penning darkly subversive novels and screenplays, Terry Southern helped to create an America energized by newfound sexual liberation, urbane coolness, and casual iconoclasm.

Though the film versions of *Candy* and *The Magic Christian* were massive flops, they were the sort of star-studded failures—each featured appearances by the likes of Marlon Brando, Ringo Starr, Richard Burton, Peter Sellers, James Coburn, Anita Pallenberg, Roman Polanski, and Raquel Welch—that bolstered Southern's reputation. He closed out the decade with the archly decadent novel *Blue Movie*, which chronicles a legitimate film director's attempt to make a porno flick with A-list stars and top-rate production values.

Then it was essentially all over for Southern, his success ending as abruptly and definitively as the race to put a man on the moon. Though he would live for another quarter-century, dying from respiratory ailments in 1995 at the age of 71, he would never again come remotely close to the success—or cultural relevance—he enjoyed during the '60s.

As sympathetically depicted by Hill, those final years were painful, steeped in humiliation and desperation. They also present a literary mystery: What could have possibly happened to Southern's estimable talent? In different ways, Hill's book and a wide-ranging and uneven collection of Southern's writing, *Now Dig This* (Grove Press), edited by Southern's son Nile and Josh Alan Friedman (the son of Southern's fellow "black humorist" Bruce Jay Friedman), provide intriguing answers to that depressing question.

Southern spent the last two-and-a-half decades of his life writing self-parodic drivel for *National Lampoon* (*Now Dig This* includes several examples, including a once-famous but poorly aged bit about necrophiliac Vietnam vets); failing miserably as a writer for *Saturday Night Live* ("the worst [job] I've ever had," he said of the experience); and pursuing unlikely film projects (including a doomed adaptation of his friend William Burroughs' memoir *Junky* involving *Easy Rider* partner Dennis Hopper).

The only large projects Southern managed to complete during his last 25 years were the execrable 1988 movie *The Telephone*, which was written with the musician Harry Nilsson and starred Whoopi Goldberg as a crazed actress, and the maudlin 1991 autobiographical novel, *Texas Summer*.

So what happened? Southern was undone by a number of factors: His fondness for booze started to catch up with him. He managed his money poorly

and found himself in chronic trouble with the Internal Revenue Service. The money problems in turn encouraged him to make bad choices in pursuit of cash.

His abiding interest in film robbed him of his creative independence. In an early '60s essay in *The Nation* included in *Now Dig This*, he contends that "it is not possible for a book to compete, aesthetically, psychologically, or in any other way, with a film." But film is inherently collaborative, artistically and especially financially, and Southern had bad instincts when it came to picking projects and partners that would pay off. Even as movie deal after movie deal fell through, he didn't have the discipline or confidence to write novels over which he would have exercised something like complete control.

As important, Southern's predilection for metafictional conceits fell out of literary favor; as Robert Rebein argues in his new study, *Hicks, Tribes, and Dirty Realists*, the postmodern irony that infuses books like *Candy* and *The Magic Christian* was "absorbed" into a "new realism that is more or less traditional in its handling of character, reportorial in its depiction of milieu and time, but... [also] self-conscious about language and the limits of mimesis."

Most profoundly, Southern became a victim of the cultural revolution he helped instigate. One of his signature flourishes was the shocking sexual innuendo, and he never tired of it, even after America ceased to be scandalized, or even titillated, by such antics. It may have been risqué to name the president Merkin Muffley in 1964's *Dr. Strangelove*, but by the end of the decade, even the premise of *Blue Movie* was bordering on passé.

Yet Southern kept at it, with increasingly puerile and dated results. In the end, he had the rotten luck to outlive, but never quite outgrow, the sexual revolution he helped inspire.

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of the U.S. population, Indians own nearly 5 percent of the United States"?

Osborn fails to mention that other American Indian nations have not been able to free themselves of the control of the U.S. Department of the Interior, which not only determines how and when those lands can be used, but also restricts any competition against the welfare services it provides to its effectively captive audience. He notes in passing the mismanagement of Amerindian funds committed by the Bureau of Indian Affairs; he neglects, however, to add that over the past century, and especially over the past three decades, a number of Amerindian leaders have called for an end to the bureau, and increased opportunities for privatization, with little success.

Most disturbing in *The Wild Frontier* is a lack of any analytical context for the gruesome and detailed body count William Osborn provides.

Thanks to the financial bumbling of the Bureau of Indian Affairs, the relationship between the United States and native nations remains a pressing issue. Less known, but perhaps even more compelling, is the uninterrupted story of violence, coercion, and force in U.S.-American Indian affairs, on both sides. An honest account of the so-called American-Indian War would interrogate the power struggles behind the mechanisms of government and continue this investigation through the present day.

Perhaps some persistent investigator will even get to complete an interview with Bruce Babbitt before the final word on the issue is written.

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The Orange Revolution

How "nut country" conquered America

By Brian Doherty

For such a perfect place, Southern California's Orange County breeds a lot of dissatisfaction. The sprawling county located between San Diego and Los Angeles seemed so quintessentially American that Walt Disney chose it as the home for Disneyland. The weather is nearly ideal, if sun, sea breezes, eternal blue skies, and year-round mild temperatures are your bag. It's a land of fruit groves, gorgeous beaches, and tract houses in planned suburbs carved out of rolling hills.

Yet this prosperous and Edenic scene was the breeding ground for a radical '60s counterculture that indelibly stamped America. It was home to a conspiracy of militant malcontents who, while never representing a majority of Americans' concerns, raised such a well-organized fuss that they took over a major political party. American politics and culture would never be the same.

This counterculture wasn't the one exemplified by those loud, dirty kids from Northern California, who made such a splash with their sex, drugs, and rock 'n' roll. Orange County's was a suburban counterculture of housewives, engineers, dentists, businessmen, and veterans who embraced a hardcore conservatism that combined libertarian disdain for centralized state power with unyielding anti-communism and moral traditionalism. They may have dressed straight, but their beliefs were no closer to the American norm than Wavy Gravy's.

Suburban Warriors: The Origins of the New American Right, by Lisa McGirr, Princeton: Princeton University Press, 395 pages, $31.95

Orange County was the place, after all, that once boasted mass ocean baptisms by the legendary "Jesus Freak" leader Rev. Chuck; high school auditoriums filled to the rafters with thousands of kids excused from classes to attend Fred Schwartz's traveling "School of Anti-Communism" (Schwartz authored that thrift-store classic, *You Can Trust the Communists—To Be Communists!)*; and school boards that banned UNICEF Halloween coin collections and any mention of the United Nations in the classroom. In 1968, *Fortune* quite casually—and not without evidence—condemned Orange County as "nut country." The combination of rabid anti-communism, staunch social conservatism, and anti-Washington sentiment placed the county's right-wingers far outside the

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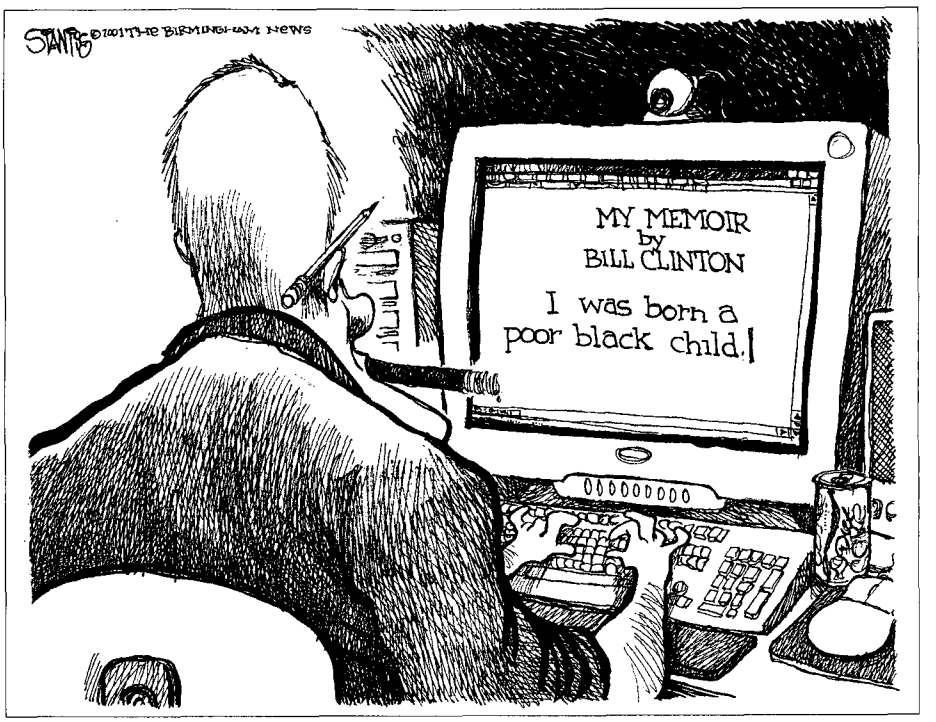
postwar consensus, both intellectual and popular.

Lisa McGirr, a historian at Harvard, guides us through Orange County conservatism's rise and influence in *Suburban Warriors: The Origins of the New American Right.* She makes a good case that standard political histories of postwar America concentrate too much on North-South divisions, and on race relations as the one vital issue. If we really want to see the true heart of postwar political change, she suggests, we should look closely at the pleasant suburbs of the Sunbelt, especially those in Orange County.



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McGirr is among a growing number of political historians that considers the '60s movements on the right to have been as significant—if not more so—to contemporary America as the decade's better-known movements on the left. She treats her subject with commendable fairness and has written a rigorous, if somewhat dry, book, one deeply informed with dozens of interviews and serious archival work. While she is certainly no partisan for Orange County conservatism, her disagreements with it break through in only a few sentences. The result is a book that, like Gregory L. Schneider's *Cadres for Conservatism* (1999) and John A. Andrew's *The Other Side of the Sixties* (1997), adds greatly to our understanding of the '60s as a thoroughly antinomian period, one in which even conservatives proposed radical ideas that fundamentally reshaped the political and cultural landscape.

Most Orange County residents in the '50s and '60s were migrants, largely from the Midwest. This didn't make them hayseed traditionalists out of place in the modern world, as some liberal critics have insisted. Orange County's suburbia was fueled by high-tech and defense money, and it was populated by people who overwhelmingly *chose* to be there. In moving to California, such folks were the very definition of American modernity, seeking out a futuristic good life in Lotus Land.

These migrants, McGirr writes, mixed with Orange County's "cultural traditions, its conservative regional elite, [and] its mode of development...[to provide] the ingredients from which the Right would create a movement. First, there were the 'old-timers,' the large ranchers and small farmers, merchants, shop owners, and middle-class townspeople who had embraced a strong individualism and strict moralism for many years. Added to this older conservatism were the southland's 'cowboy capitalists,' the new boom-time entrepreneurs who made their fortunes in the post–World War II era of affluence and spent their capital and their energy spreading the gospel of laissez-faire capitalism and an anti-Washington ethos. Together with ranchers-turned-property-developers, county boosters, and real estate speculators, they created a built world that affirmed the values of privacy, individualism, and property rights and weakened a sense of cohesive community, providing an opening for organizations, churches, and missionary zealots that could provide one."

McGirr notes the irony of an individualist, anti-state philosophy dominating a place whose prosperity was heavily dependent upon Washington and Big Government projects. Military bases and high-tech manufacturing for defense purposes were the linchpin of Orange County's economic growth in the 1950s and '60s. The bulk of *Suburban Warriors* is a walk through the big battles and shifting concerns of Orange County right-wingers up through the end of the '60s.

In her account, Orange County's conservatives first began to feel their oats in a 1961 fight over Joel Dvorman, an elected school board trustee with the Magnolia School District in Anaheim. Dvorman made the mistake of inviting to a backyard meeting a speaker who publicly advocated eliminating the House Un-American Activities Committee. Appalled right-wingers organized, got Dvorman and two liberal colleagues recalled from the school board, and installed their own candidates.

The new board, writes McGirr, began to send home "monthly bulletins with its more than 6,400 pupils that meshed fundamentalist religion and a hostility toward modern experimentalism with a call for conservative renewal." One such bulletin stressed that America "was, is and *must always be* a God-centered nation." Principals started to resign en masse. By 1964, the radical rightists had themselves been purged from the Magnolia School Board. (As McGirr reminds us, hard-right conservatives were never a majority, even in Orange County.)

Still, in the wake of that initial victory, many right-wing groups organized to spread the word about how imperiled our precious traditions were and how Washington was illegitimately encroaching on local and state governments; most also propagandized in favor of free markets. The new groups ranged from local chap-

ters of the John Birch Society to homegrown organizations such as the California Committee to Combat Communism, the Orange County School of Anti-Communism, and the California Free Enterprise Association. Area businessmen such as Walter Knott, the boysenberry magnate whose theme park Knott's Berry Farm is still a Southland tourist attraction, helped lead the way with money and encouragement. Publisher R.C. Hoiles dedicated the county's biggest paper, the *Register* (now the *Orange County Register*), to the cause of liberty; he called his chain of papers the "Freedom Chain."

Local churches were also breeding grounds for right-wing thinking, particularly the many Baptist congregations and the Catholic parishes under Cardinal Francis McIntyre, whom McGirr calls "the most extreme right-wing member of the American Catholic hierarchy." The cardinal regularly hyped the John Birch Society in the archdiocese newsletter. Interestingly, the most fertile breeding ground for right-wing activism was the suburban coffee klatches. Simple personal proselytizing in living rooms and kitchens helped win many converts for conservative activism, particularly among the housewives who actually had the free time to organize, canvass, hold meetings, write letters, petition, and get out the vote.

With support from the churches, the press, and grassroots groups, Orange County conservatives won control of the California Republican Assembly, an unofficial statewide body of GOP activists. Once in power, they endorsed the conservative Arizona Sen. Barry Goldwater over moderate New York Gov. Nelson Rockefeller in the 1964 California presidential primary. Goldwater won California, and thus the Republican presidential nomination. From a contemporary perspective, it might seem unremarkable that a steadfast right-winger would win the GOP nomination, but in 1964, it was roughly the equivalent of Jesse Jackson winning the Democratic nomination today. Goldwater, of course, went on to be drubbed with unprecedented severity by Lyndon Johnson in the general election.

But his network of supporters in Southern California didn't give up or go away after that crushing defeat. McGirr tells how, bloodied but unbowed, they rallied behind Ronald Reagan and propelled him into California's state house in 1966. By electing Reagan governor—thereby putting him on the path to the White House—Orange County's right-wingers played a key role in what ultimately became a national political shift.

The '60s were even more of a social and political cornucopia, a home to a wider range of anything-goes weirdness, than many ever acknowledged.

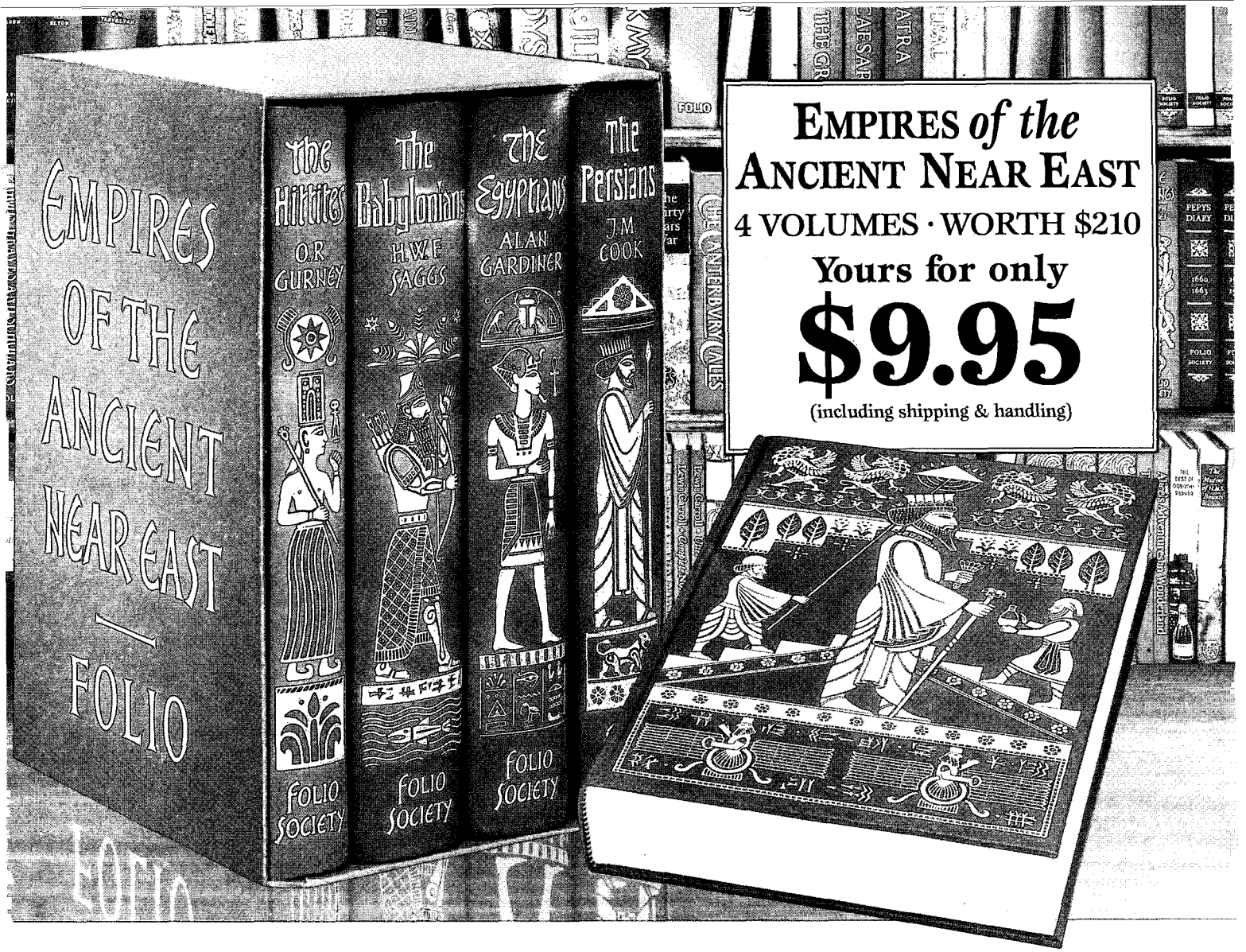
By the time Reagan became governor, however, the concerns of Orange County's right-wingers were themselves shifting. Dirty hippies were running amok at Berkeley, sex education was in the schools, and pornography was on sale at the corner newsstand. Blacks were rioting in Watts and domestic law-and-order issues seemed more pressing than an imminent invasion by the Russkies (though there were still those who blamed the commies for all of America's problems). The coalition that defined grassroots activism in Orange County started breaking apart. The businessmen-types especially opted out. With one of their own running the state, and with increased conservative power in the GOP, they no longer saw grassroots education or activism as their main concern. Directly petitioning or greasing the wheels of power was more of an option. But even as the Orange County coalition fell apart, a version of its conservatism went national. By 1980, that California right-wing nut Ronald Reagan was elected president of the United States.

As McGirr indicates, a fault line every bit as large and active as the San Andreas ran through the Orange County right. That fault line is more relevant than ever to the very broadly construed national coalition of libertarians and conservatives. It's the disjoint between the libertarian belief in unbridled freedom from a powerful state and the conservative belief in using state power to fight international communism or enforce traditional morality. The communism question is moribund; the morality question lives on and is a source of constant tension between libertarians and conservatives. Conservatives, for example, tend to crave state action to halt the availability of porn and "illicit" drugs; libertarians do not. A similar rift is growing over foreign and trade policy, too, with conservatives tending to favor military engagements (some are even calling to make China our adversary in a new Cold War) and withdrawing from commerce with "immoral" countries.

McGirr more or less sloughs over the importance of the libertarian-traditionalist splits in the coalition she writes about, noting that although they sometimes "looked at one another with discomfort and suspicion...libertarians and social conservatives shared enough grievances against their common enemy, the liberal Leviathan, to forge a political movement." (She does note that some Orange County anti-communists were annoyed at Hoiles' *Register* for taking a consistently libertarian line against waging war on the Soviets.) One wishes she might have looked more closely at the nascent tension between the two factions, especially since it is clearly an issue in today's politics.

Still, *Suburban Warriors* is a welcome addition to contemporary American history. It is the first long look at activists who have been woefully understudied, given their influence on the course of recent politics. It also helps show that the American pageant is far richer than we're usually told; the '60s, it turns out, were even more of a social and political cornucopia, a home to a wider range of anything-goes weirdness, than many ever acknowledged. Surely, it enhances our understanding of the period to recognize that even as the Yippies were trying to stop the Vietnam War by levitating the Pentagon, right-wing suburbanites in Orange County were girding themselves to fight the centuries-old Illuminati conspiracy.

Brian Doherty (bdoherty@reason.com) is an associate editor of REASON.



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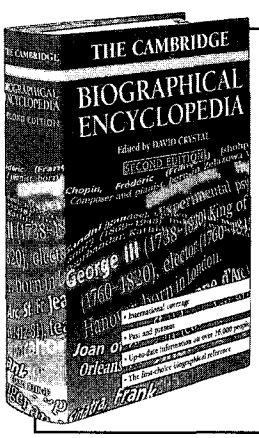

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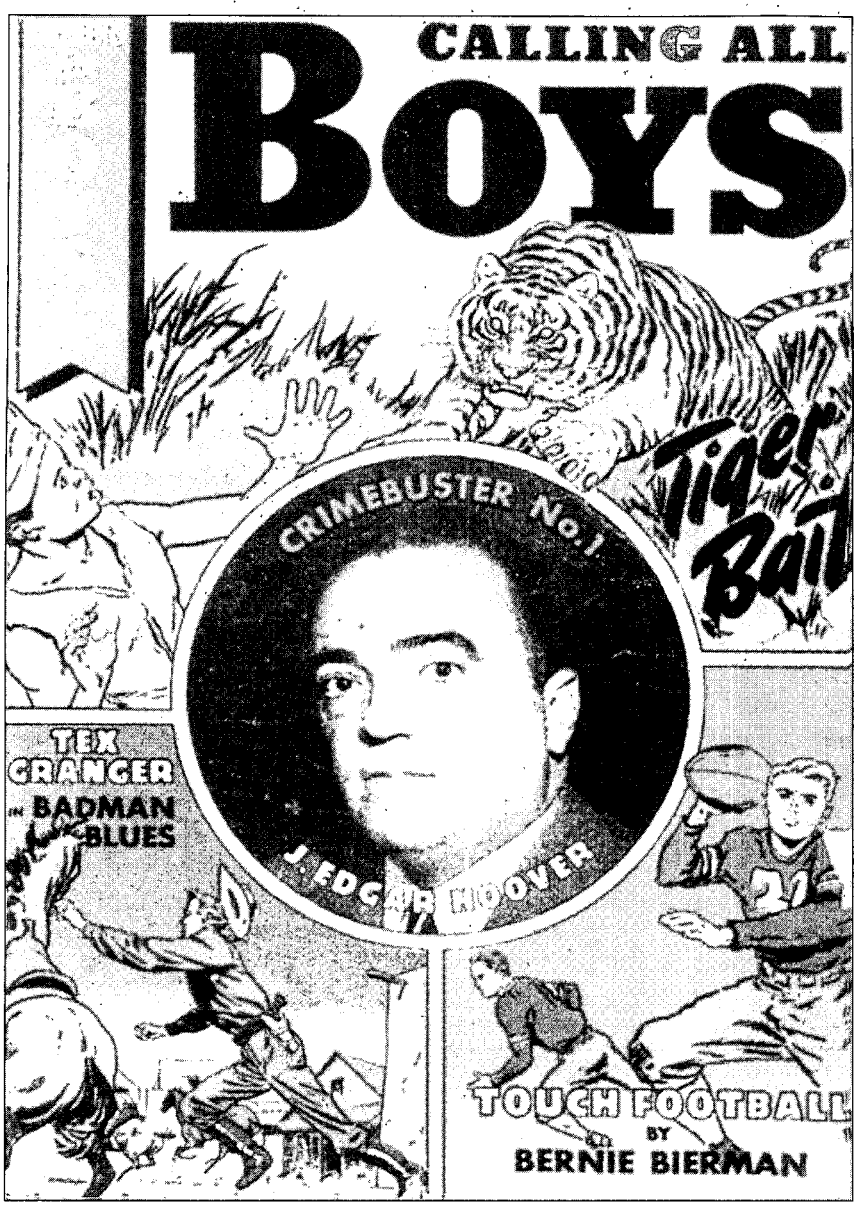

This 1947 cover of the kids' monthly, *Calling All Boys*, appears in a new collection of Cold War images entitled *Red Scared! The Commie Menace in Propaganda and Popular Culture* by Steven Heller and Michael Barson (Chronicle Books). The book's take on the era is a throwback: Anti-communism, it argues, was both laughable and dangerous. These days, serious Cold War inquiry has moved on to such matters as the period's actual threat of Soviet subversion, but anti-anti-communists will always be able to cite plenty of malicious figures to defend their view.

Among them is John Edgar Hoover. Look at the legendary FBI chief here. Presented along with football players and cowboys, Hoover is the main attraction, "Crimebuster No. 1," even as he was rounding people up, assembling dossiers, wiretapping, and presenting a significant threat to constitutional rights. To defend his crusade, Hoover tried to turn civil libertarians into the nation's enemies. Like Sen. Joe McCarthy, he undercut a serious matter with a self-serving sideshow.

In a sense, he's still doing so, as *Red Scared!* proves. But there's more to him yet. He's become a study in shifting public personae, from head G-man, to the Man With the Files, to the gay in the closet, to an accused assassination conspirator, to, perhaps, a fan of the little black cocktail dress. Some figures become indispensable characters in America's telling of its own story. Hoover's fate is that he continues to play the revealed villain.

—Charles Paul Freund

Privatization: A Solution for School Inequities?

John E. Chubb is chief education officer, Edison Schools; distinguished visiting fellow, Hoover Institution; and member, Hoover's Koret Task Force on K–12 Education.

Economically disadvantaged students suffer a number of financial inequities in public education. The school districts in which poor children live often have fewer tax dollars to spend on education than do districts in which middle-class children live. Poorer districts also tend to pay lower teacher salaries than richer districts and have difficulty attracting and retaining teachers. These inequities have recently been challenged in the courts, and states are finding ways to mitigate some of these imbalances.

But other inequities continue. One is the tendency for disadvantaged students to be served by the largest and most bureaucratized school systems. School systems serving more than 100,000 students have disproportionate numbers of poor and minority students. These same systems are plagued by the inefficiencies of public bureaucracy, meaning not only that disadvantaged students have less spent on their education than their more advantaged neighbors but that the money tends to be spent less efficiently.

Another inequity occurs *within* school systems. **The least experienced teachers tend to teach in the schools with the highest concentrations of disadvantaged students.** Most public school systems honor seniority when deciding which teachers to hire. Teachers prefer to teach in schools where student behavior is good, student turnover is low, and parental involvement is high. Thus, problem schools tend to have the most teaching vacancies, which are filled by inexperienced teachers. Because new teachers are paid less than veteran teachers, inequities in staffing bring inequities in funding: schools with disadvantaged students receive less of every district dollar than schools with advantaged students because teachers in schools serving poor kids cost less.

Privatization could go a long way toward correcting these inequities. First, if private school management firms contract with the largest and most bureaucratized school systems, disadvantaged students will benefit disproportionately from more efficient uses of their education dollars. Second, if private management firms work in the poorest areas and are paid for their services what the *district* spends per pupil, privatization will increase the funding available to disadvantaged students.

Evidence suggests that private firms are working as equalizers. Most of the private management firms now operating public schools have focused on charter schools, which in general serve disproportionately poor and minority populations in urban areas and by law receive per pupil funding equal to local district averages.

As for traditional public schools, only Edison Schools, among private firms, is doing substantial contracting with school districts. But this is changing. Fourteen firms submitted proposals to New York City in August 2000 to manage the lowest performing schools in the school system. Several companies have responded to requests for proposals from Kansas City, Missouri, to the state of Maryland for school management of large school systems and highly disadvantaged schools and students. Edison's 110 schools, for example, include contracts with Dallas, San Francisco, Minneapolis, Miami, and Wichita. The students in Edison schools are disproportionately needy: 65 percent are eligible for reduced price lunches; 55 percent are African American, and 17 percent are Hispanic or Latino. If Edison's experience is an indicator, privatization could be an important equalizer in public education.

— *John E. Chubb*

Paid for by the Hoover Institution, Stanford University.

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